JUS REGIMINIS:

BEING A

JUSTIFICATION

OF

Defenſive Arms

IN

GENERAL.

And conſequently of Our

Late Revolutions

AND

TRANSACTIONS

TO BE THE

JUST RIGHT

OF THE

KINGDOM.

LICENSD, *June* 17. 1689.

J. FRASER.

LONDON,

Printed in the Year MDCLXXXIX.

Benedictus ſit præ cæteris Principibus

Wilhelmus Henricus

D. G.

Magnæ Britanniæ, Franciæ, & Hiberniæ

REX:

Qualem nec viderunt Avi, nec viſuri ſunt Nepotes; qui advenerit ad Auxilium Jehovæ, contra potentes Papicolas Antichriſtianos tyrannorum peſſimos:

Benedicta ſit præ cæteris Heroinis :

MARIA,

Regina conjux & Regni Conſors:

Communicatis Imperii faſcibus, fruantur illi Sceptro Britannico, Parentes liberorum læti, & Aurei Seculi Authores.

Macti virtute conculcate Inimicos Religionis Proteſtantium, Legum Anglorum, Libertatum Parliamenti, ut nomina veſtra eant in Mille ſæcula ſciantque poſteri, & filii naſcituri ſurgentes enarrent filiis ſuis; & ſemper fugiant infeſti Oſores à conſpectu veſtro.

Sic comprecatur, ſic vovet omni ſupplex humilitate

WILHELMUS DENTON, M. D.

Majeſtatum veſtrarum ſubditus humillimus.

ADVERTISEMENT
TO THE
READER.

THIS Treatiſe hath been written ſeveral Years and kept cloſe, becauſe the Government would not bear ſuch Prints, and might ſtill have lain ſnug, but that I daily ſee great endeavours by various Prints and Pamphlets, caſting falſe gloſſes upon a good Cauſe, deſigning to bring us back to Onyons and Garlick, and to Popery, the worſt of Tyranny. Among which Prints the Hiſtory of *Paſſive Obedience*, at firſt view, ſeems to carry in it's Front for its better countenancing of *Non-reſiſtance*, the moſt flouriſhing ſhew of our *Articles*, *Injunctions*, *Canons*, *Homiles*, *Liturgy*, *both our Univerſities*, *Biſhops*, *Martyrs*, *Confeſſors*, &c. Which at firſt view preſents a wonderful and an amazing cloud of *Witneſſes*, ready to confound the *Doctrine of Reſiſtance and Defenſive Arms* without farther Inquiry, and to make good that enſlaving *Doctrine of Paſſive Obedience abſolutely abſolute without reſerve*, of which I ſhall make but one or two plain Remarks, leaving the reſt to better Pens. 1. Granting all the Quotations to be true, yet are they to be underſtood of *private Men*, and of *private Authority only*, and not of *Ordines Regni*, States, and Kingdoms, and Commonwealths. 2. *Calvin*, though quoted in this Hiſtory as an Aſſertor of ſuch *Paſſive Obedience*, of which he Treats very Learnedly, giving it all its juſt Allowances and Dimenſions, yet concludes, notwithſtanding all thoſe ſpecious Expreſſions which ſeem to favour Paſſive Obedience, *That he is to be underſtood always ſpeaking of private Men: For if there be at this time any Magiſtrates for the behalf of the People, as the* Ephori *amongſt the* Lacedæmonians, *or* Tribunes *at* Rome; *as the* Demarchi *at* Athens; *or the ſame Power alſo, which peradventure as things are now, the* Eſtates *have in every Realm when they hold their Dyets, Parliaments, principle Aſſemblies; he doth not forbid them according to their office to withſtand the outragious licentiouſneſs of Kings. And farther he affirms, That if they wink at Kings wilfully ranging over and treading down the poor Commonalty, their diſſembling is not without wicked breach of Faith, becauſe they deceitfully betray the Liberty of the People, whereof they know themſelves to be Protectors, appointed by the Ordinance of God.* Calvin, Inſtit. lib. 4. c. 20. par. 32.

Likewise his Quotation of Dr. *Jackson* in the Chapter of the Bounds of Christian Obedience, will serve his turn as little as that out of *Calvin*; for in the same Chapter, *p.* 929. it being objected to him by the Author of the *Prince and Prelate*, That many besides the Separatists and Enthusiasts, many of note in reformed Churches have published in writing, that Kings and Princes may in some cases be deposed; which, saith Dr. *Jackson*, *if spoken universally, their Doctrine is false; and for such condemned by our Church, if thus they taught indefinitely only, as that some Kings, some chief Magistrates may be deposed, he knows no Church that justly condemns them: But for Divines to determine or dispute what Princes in particular may be deposed, or in what cases, is matter without their Commission, unless commanded by their Princes*, p. 927. And I think he knew the Doctrine of this and other Churches as well as the Author of this History.

So Bishop *Jewel* explains St *Paul and himself* in the very same Quotation, *viz.* That whosoever striketh with the Sword by *private Authority*, shall perish with the Sword; which Opinion, if rightly considered, is the sense or meaning of all, or most, of this Historians Quotations, and are so to be understood. Bishop *Bilson* (how slightly soever represented by this Historian) was as profound a Scholar and Divine as ever sate upon that See: in his Book of *Christian Subjection, and Unchristian Rebellion*, treats of nothing else but of *Passive Obedience and Non-resistance* at large, and no Man better or more solidly in defence of them, yet will not rashly pronounce all that resist to be Rebels. *If a King should go about to subject the Kingdom to a Foreign Realm* (which happily is not much dissimular to our present constitution and transactions) *to change the Form of a Commonwealth from Impery to Tyranny, or neglect the Laws established by common consent of Prince and People to execute his own pleasure: in those and other cases, if the Nobles and Commons join together to defend their Ancient Liberties, Regiment and Laws, they may not well be accounted Rebels*, (very modestly expressed) *p.* 520. And more at large to the same purpose may be read in several places of this Book: which Opinion of these great and learned Men, are a justification of the present Transactions of our *Ordines Regni*, who have so considerable a share in the Government, that no Law can or ought to be made without them. And I may truly say, without prejudice, that those very Authors (being all of the Historians own quoting) have written as profoundly and solidly for *Passive Obedience* and *Non-resistance* as it will bear, or that all his other Quotations do or can make out: And Bishop *Bilson*, that great Scholar and Divine, printed his Book 1585. and dedicated it to Queen *Elizabeth* of ever blessed Memory, whose happy Government was such, as she did not think such Resistance unlawful, and therefore she soon promoted him to be Bishop of *Worcester*, Anno 1595. and soon after, *viz.*

Buy printed 1585.

Anno

Anno 1597. tranſlated him to *Wincheſter*: And I think theſe Men underſtood the *Doctrines*, *Articles*, *Canons*, *Liturgy*, *Homilies*, *Univerſities*, &c. *of this and of other Churches* abroad, as well as this Hiſtorian, or as any of the other Authors as he hath named. Beſides, Queen *Elizabeth* did not only approve the publication of ſuch Doctrines in her Government, but being willing to avoid the Curſe, that *bitter Curſe of Meroz* on her and her Kingdom, ſhe gave this farther Teſtimony and Demonſtration, by her owning and countenancing ſuch Reſiſtance, and by her entring into Contract with the Proteſtants of *France*, againſt the Mighty, by ſending Mony and Forces to their aid and aſſiſtance: She did the like by ſending Succours to the *Scots*, whereby ſhe delivered them from *Slavery and Popery*, againſt *Mary* Queen of *Scots* and the *Guiſes*: So ſhe did moſt earneſtly mediate and interceed by Letters and Embaſſies with the King of *Spain*, who had violently Tyrannized and Oppreſſed the *Netherlanders by his bloody Edicts*, both in their Laws, Liberties, and Religion: and not prevailing, ſhe ſent them Mony and Arms, and took them into her Protection; by which ſhe relieved and eſtabliſhed them in that flouriſhing Condition they now are in, both able and willing gratefully to return the ſame Kindneſs to this our Kingdom, in her great diſtreſs, by the like *bloody Papiſts*; In which ſhe had not only the Judgment and Aſſiſtance of her Parliaments, but their Purſes alſo: And alſo the Opinion and Approbation of her *Clergy in their Convocation, with their Subſidies*; all which they would not have done, if they had held all Reſiſtance unlawful. And ſure this Hiſtorian will not deny, that the *Queen*, and her *Parliaments*, and *Convocations*, were true Church of *England* Men: ſo he may make it the *Corner-Stone*, and *diſtinguiſhing Character*, if he pleaſe, of a true and of a mungril Church of *England* Man: And if he do, I doubt he will approve himſelf no *Nathaniel*, no true Church of *England* Man. To what then doth all this *Bravado of Articles, Canons, Homiles, Liturgies*, &c. tend? but to the beſpattering of the pureſt Church in the World with ſuch Doctrines as ſhe is no ways guilty of, and to introduce and uſher in *Popery* again, which was ruſhing in upon us with a mighy torrent by the ſlight of ſuch prevaricating wits that lay in wait to deceive, until his Majeſty did *Abdicare ſe magiſtratu*: but thanks be to God we are not ſuch Children, as to be toſſed to and fro, and carried away from the Truth with ſuch cunning Craftineſs.

Happily King *James* I. if conſulted, may be found to favour the ſame Opinion, when in his Speech in Parliament 1603. 'declares 'himſelf to be a Servant, and that as he was Head and Governor 'of all the People in his Dominions, who were his natural Vaſſals 'and Subjects, conſidering them in Number and *diſtinct Ranks*; but

'con-

'conſidering the whole People as one Body and Maſs, then as *the* '*Head is ordained for the Body, and not the Body for the Head*, ſo muſt 'a righteous King know himſelf to be ordained for his People, and 'not his People for him: and therefore profeſſeth, that he will ne- 'ver be aſhamed to confeſs it, to be his principal Honour, to be the 'Servant of a Commonwealth, and ever to think the Proſperity 'thereof to be his greateſt Felicity. And in his Speech at *White-hall*, '*Anno* 1609. *March* 21. ſaith, That every juſt King, in a ſettled 'Kingdom, is bound to obſerve the Paction which God made with '*Noah* after the *Deluge*; therefore a *King* leaves to be a *King*, and 'degenerates into a Tyrant, as ſoon as he leaves off to Govern by 'his Laws: as the poor Widow to *Philip* of *Macedon*, Either Govern 'according to your Laws, *Aut ne Rex ſis*. Therefore all *Kings*, that 'are not Tyrants or Perjured, will be glad to bound themſelves 'within the limits of their Laws: And they that perſuade them to 'the contrary are Vipers, and Peſts, both againſt them and the 'Commonwealth. Which Premiſſes do naturally yield this Con- 'cluſion, without wreſting. *viz.* That *Kings*, not Governing accord- 'ing to their Compact and Laws made by their Subjects, are Per- 'jured, and become Tyrants, and may be curbed, oppoſed, and with- 'ſtood.

Thus much only by way of *Specimen*, to incourage other more learned Pens to make farther proof; it being every Mans Duty to contribute what he can towards the ſupport of that Government under which he lives: no Government being obliged to ſupport thoſe who will not ſupport it; which incourageth me to caſt in my Mite alſo, and the rather, becauſe I obſerve ſome Prints ſo virulent as to ill-characterize the greateſt Wiſdom and wiſeſt Men of the World, and to make common Senſe, and trueſt Equity, and the moſt undoubted Right of the whole World, *Treaſon* and *Rebellion*, and ſo to be owned and practiſed in Extremities by all Nations, *Vim vi repellendo*: Which being always to be underſtood of *unjuſt Force*, the *Defence muſt be juſt*; and it's impoſſible to be made either *Treaſon* or *Rebellion* by any other Law, than that the *Foxes Ears* were *Horns*: And others would make this wild conjecture of *Paſſive Obedience* without reſerve, as the Corner-Stone and diſtinguiſhing Character of the Church of *England* from all other reformed Churches; which deſerves a Sponge and Reprimand, and not an Anſwer.

THE

AN ADMONITION TO ALL Christian EMPERORS, KINGS, PRINCES, &c.

ALL Emperors, Kings, Princes and Governors, *ought moſt ſeriouſly to conſider, That tho' by the Providence of God, and good will and choice of Men, they are ſet on high, yet they are* not Kings and Lords and Princes *in their own right, and in ſuch manner as that they are not obliged to acknowledge a Superior Dominion. What are they but* Vaſſals to God, *by whoſe Providence they hold their Crowns and Scepters, Lives and all, by fealty and homage? And what are they but* Adminiſtrators and Truſtees of the Governed, *to ſee the Laws made by them indifferently and equally executed for the Peace and Happineſs of whole Kingdoms? And who knows not that in recompence of their Care and Pains, that this is one of the chief Conditions or Laws of Subjects, that they do* Support their Kings and Governors, *and that they keep Fidelity with, and pay Tribute, Reverence, and Service unto them? So ſtrict is this Obligation, that in all caſes of danger Subjects are bound to aid and aſſiſt them, and to yield all the Duties of Honour, Friendſhip, Reverence and Reſpect, and to take up Arms on their behalf, againſt their very Bretheren and Children, and* to pay them Tribute for their Grandeur and Support: *where Faith and Honour are concerned, an Eternal blemiſh will remain on the violation thereof. If they offend their Kings by unjuſt contrivances, and blemiſh their Dignity and Honour by unjuſt aſperſions; if they plot, contrive and wage War unjuſtly againſt them; if they deſert them in a time of danger; if they treacherouſly conceal any that endeavour to kill, impriſon, or damnifie them, if they do not deliver them when in danger, if it be in their power to do it, they are then guilty of Treaſon. Seeing therefore* Kings *require ſo much Fidelity from their Subjects, for defending their Perſons, States, and Dignities, (who are but Men on both parts) in how much greater Obligations, and under what ſeverer Penalties are Kings themſelves bound towards the giver and bequeather of their Crowns and Scepters, for the defence of his Kingdom and People, againſt all Rebels and Traitors to his and their Laws. But ah the miſery of human blindneſs! All Princes are ready to cry out, that when any Man becomes guilty of ſuch breach of Faith towards them, it is a Crime unpardonable; and that it muſt be puniſhed with the loſs of Goods, Lives, and Eſtates. Men to Men ſtill. But when they themſelves break Faith, plighted to* God and Men by Solemn Oaths, *and do things ten thouſand times worſe, againſt their Supreme Lord and Maſter, and the Governed; yet ſuch is the wonderful perverſe ends of their Judgment, that they imagine themſelves to be innocent and unaccountable: Whereas by right they ought to hazard and ſpend their own Lives and Scepters in Defence of his Glory, from, and under whom they hold thoſe Lives and Scepters, and for Defence, Support, and well Governing of the Governed, that they may live in Wealth, Peace, and Godlineſs, they being the Church of God, whoſe Nurſing-Fathers and Mothers,* Kings *and* Queens, *and all other* Rulers, *as* in duty bound

bound of right ought to be; *more especially, if they confer Honors, Dignities, or Places of Profit, on any of their Subjects (Prerogatives given them even by the Governed) if they say not as they say, and do not obey all their Commands, right or wrong, what a huff and Fustian fume are they in? What? eat of their Bread, drink of their Drink, and live at Ease, and in great Plenty and Pleasure, by their Favors and Graces bestowed on them, and yet so ungrateful as not to subordinate their wills to the wills of their Princes. Which arises from corrupted nature and their own great mistake. For* Kings themselves, *and all their Officers, are the* Kingdoms Officers, *cloathed with their Fleece, warmed with their Wooll, fed with their Bread, their Oyl, and their Wine, and paid with their Tribute: And is it not much more sinful and ungrateful in them to do violence, or oppress any of them? Do they not Dig and Delve, Plow and Harrow, Sow and Reap, Plant and pull up with the labour of their Hands, and sweat of their Brows? and all this to pay them Tribute, that they may live in great Glory and Plenty; that they may* eat the Fat, drink the Sweet, lie upon the Soft, chant to the sound of the Vial, drink Wine in Bowles, *that they may be* gorgeously clad, and fare deliciously every day? *Is it not therefore much more abominable, wicked, and ungrateful in them, to oppress or violate the Laws of them that set their Crowns on their Heads, and maintain them in all their Glory and Excesses, not only for necessity, but for delight? Consider seriously with your selves, whilst you are yet on this side the Grave:* (For there is no work, nor device, nor knowledge, nor wisdome, in the grave, *Eccl.* 9. 10.) *and all your* Pomp must be brought down to the grave, even Lucifer, the Sun of the morning, who did weaken the Nations, *how* did he fall from heaven, *and* was cut down to the ground? *Isaiah* 14. 12.) *That you cannot oppress the Governed without being guilty of Ingratitude (the vilest and basest of Crimes) in the esteem both of Heathens and Christians, and by the practice even of Bruits and Beasts. First, Gratitude is natural (and therefore ungratefulness must be unnatural) witness Beasts themselves, not only tame and domestick, but even wild and cruel; among whom there are many excellent and true examples, as* of the Lyon towards the *Roman* Slave. *&c.* Officia etiam feræ sentiunt: *even wild Beasts are sensible of good and evil done unto them; by which it is easie to guess how unnatural, how unpleasing and odious, how base and villanous Ingratitude is unto all Men;* quatenus *Men only.* Dixeris maledicta cuncta cum ingratum hominem dixeris: *thou speakest all the evil that may be said of a Man, when thou callest a Man ungrateful: It is against Nature, and therefore* Plato, *speaking of his Disciple* Aristotle, *calleth him* an ungrateful Mule: *it is without all excuse, and cannot come but from a wicked Nature. So* Seneca. Grave vitium intollerabile quod dissociat homines. *A grievous vice and intollerable, which breaketh the Society of Men. If by the instinct of Nature, and the examples of Bruits, unreasonable Creatures, Ingratitude be so vile a Crime, that it becomes a reproach to Men, as being reasonable Creatures, how much greater reproach is Ingratitude in Men as Christians? God's Commands are,* Love your enemies, blets them that curse you, do good to them that hate you, and pray for them that despitefully use you and persecute you, that you may be children of your Father which is in heaven: for he maketh the sun to rise on the evil and the good; and sendeth rain on the just and on the unjust, *Matth.* 5. 44, 45. *So* Luke 6. 27, 35. for he is kind to the unthankful, and to the evil. *So ought all Kings and Rulers to love their People, though Enemies, out of gratitude they owe to God, who hath both commanded us so to do, and whose daily practice it is. How doth God upbraid and reproach the ungrateful* Jews! Hear, O heavens, and give ear O earth, for the Lord hath spoken: I have nourished and brought up children, and they have rebelled against me: the Oxe knoweth his owner, and the Ass his masters crib; but Israel doth not know, my people doth not consider, *&c.* Isaiah 1. *What*

reproaches

Reproaches and Woes are pronounced againſt thoſe ungrateful Jews, *for whom God had done ſo much* (when *Iſrael* was a Child then God loved him, and taught *Ephraim* alſo to go, taking them by the Arms, drew them with Cords of a Man, with Bands of love, and was to them as they that take off the Yoak on their Jaws, and laid meat unto them, *&c. Hoſ.* 11. *All the Prophets teſtifie throughout the whole Bible that Gratitude is the univerſal Precept and Command of God himſelf, and he is the Avenger of all Ingratitude and Diſobedience* : Do you thus requite the Lord, O fooliſh people and unwiſe? *Deut.* 22. 6. *God is ſo gracious as to let* the Sun ſhine on the Juſt and on the Unjuſt, to requite good for evil.

How ought Kings then as his Miniſters, his Vicegerents, not to requite evil for good, but good for evil? How much more are Kings then obliged to God and Man by their greater Obligation to keep Faith and Covenant with their People, who chooſe them from among themſelves to be their King, ſetting them on Thrones in a more Eminent and glorious Station and Figure above all themſelves, paying them all the Enſigns of Honour, Duty, and Majeſty, giving them abundant Tribute to ſupport the ſame? What to do? to tear them with Thorns and Briars, or whip them with Scorpions, or grind their Faces as many have done; no, no, but to have their Laws run in their Names, and executed by legal Powers in their Names, that Juſtice might be equally and indifferently adminiſtred to all : They claim and glory in the Title of being Gods Vicegerents *and Miniſters, and therefore their Miniſtrations ought more eſpecially to be for the happineſs and Salvation of their Kingdoms; if otherways, know*, that God will cut off the Spirit of Princes, he is terrible to the Kings of the Earth, *Pſal.* 76. 12. *and in his due time* will relieve the oppreſſed and afflicted. *If we make diligent and exact Scrutiny into other Relations of human and civil dependencies, our Judgments may be aſſiſted for the more clear apprehending of truths of Government, wherein we ſhall find ſome obligations between them ſo ſtrictly enjoyned, that they cannot be violated without the brand of Impiety, as between Parents and Children, Husband and Wife, Maſter and Servant,* Col. 3. 18, 19. 20, 21, 22. Job 31. 13. *between whom, although by the Laws of God and Man there be many reciprocal Duties; yet are they nothing if weighed in a juſt Ballance, in compariſon to what Kings themſelves owe to God and the Governed, who are alſo* the Church of Chriſt : *for what ever injury is done to a* Chriſtian Commonwealth, *is at the ſame time done againſt the* Church of God, *whereof Chriſt is Head, and King, and thoſe whom we call Kings thereof are but his Subſtitutes, and Vicegerents, and ought to govern as he hath commanded, and as he will do when he ſhall come again in Glory to reign on Earth. Beſides they are conſtituted and ordained by the Governed, under Conditions, Covenants, and Agreement; not that themſelves may live at eaſe only, and command, and rule at Pleaſure, but as Gods Vicegerents, and as Truſtees and Adminiſtrators of the Governed, to rule and govern according to his and their own Laws* (quas vulgus eligerit) *for what a madneſs ſhould we eſteem it in human Affairs, if Deputies, Viceroyes, and Lieutenants of Earthly Kings, ſhould for their own private ends and intereſt prefer them before the Honour, Glory, and Service of their Kings. They who ſo adminiſter Affairs, take not right meaſures of their Maſters Glory, and the Peoples good, but comply with the flatteries of their own Luſts, their particular Advantages, ſinful Ends and intereſts, or hatred, furiouſly tranſporting them to the publick ruin,* privati Commodi vel odii pertinacia in publicum exitium ſtimulante. *Tacit. lib.* 1. *hiſt. Private Intereſt and concerns, ſaith* Livy, *always have, and always will hinder publick good Councils,* privatæ res ſemper officere officientque publicis conſiliis, *Livy lib,* 22. *The Heathen, taught only by the light of Nature, could diſcern the truth of theſe things, and have left Monuments thereof on their Tombs and Coins. They doubted not, ſaith* Valerius, *that Empires were made to ſerve holy Purpoſes, and that all things, even ſuch where the Luſtre of*

Supreme

Supreme Majesty was to appear, were to be placed after Religion. Kings, Princes, and Governours, being partakers of the same human Nature in common with their Subjects, are equally obliged by the same Laws of God and Nature, to keep Faith and Covenant (the common Law of Nature) with them; and therefore the Obligation of keeping Faith and Covenant, is equally obligatory *both to* Prince *and* People. *As by the Law of Nature, so by the Law of God, Covenants are inviolably to be kept, and not broken by either Prince or People. And as Covenant, between God and the King, and between God and the People, so between King and the People; which as they are most solemnly made, so they are as sacredly to be kept, or else under great Menaces, Pains, and Penalties. God hath given his word, that he will never break his Covenant,* Jud. 2. 1. *and* Pſal. 89. 34. My Covenant I will not break, nor alter the thing that is gone out of my Mouth, *He requires and expects the like punctual performance from his Vicegerents, and highly curses those that do infringe and break plighted Faith and Agreements:* Curſed be the Man that obeyeth not the words of this Covenant, *Jer.* 11. 3. *and God for the breach of Covenant gave the* Princes of Judah and the Princes of Jeruſalem, the Eunuchs, and the Prieſts, and all the People of the Land, into the hands of the Enemies, and into the hands of them that ſought their lives, and their Bodies for meat unto the Fowls of Heaven, and to the Beaſts of the Earth, *Jer.* 34. 19, 20. *Beſides* God is no reſpecter of Perſons, *Kings and Peaſants are all alike to him, all the Works of his own Hands, all made of the ſame Mould, all redeemed with the ſame precious Blood, all his own Images and Temples, and ſhall ſtand in an equal diſtance before his Tribunal, who will judge all breakers of Covenant, whether Kings or Peaſants, according to his own Righteous Judgment. Neither Kings nor People have any Privilege or Prerogative to break Covenant; and they that do, be they Kings or be they People, are juſtly eſteemed Rebels to the Laws and Covenants;* and the injured Perſons have juſt Cauſe to right and defend themſelves if oppreſſed by ſuch Violation. *Kings accounting themſelves as Gods Miniſters, and Vicegerents, and Fathers of their Countries, ought ſo to govern in good earneſt, and they being placed on their Thrones as ſuch by the People, ought to keep Laws and Covenants punctually with them, and which they cannot break or ſhun without being perjured, and becoming guilty of Tyranny and Oppreſſion.*

No Kings nor Princes can be ſo indulgent, nor ſo really fond and ambitious of their Peoples Love and Welfare as God is of the Love of Mankind; like as a Father pitieth his Children, ſo the Lord pitieth them that fear him, *Pſal.* 103. 13. *to ſhew his making them a little lower than the Angels, and crowning them with Glory and Honour, and giving them Dominion over the works of his Hands, and by* putting all things under their Feet, all Sheep and Oxen, *&c. Pſal.* 8. *And indeed the whole Creation, for his own Glory and the good and Solace of Mankind: Did he not command* Moſes to carry his people in his Boſom, as a ſtirring Father beareth his ſucking Child? *Num.* 11. 12. Can a Woman forget her ſucking Child, that ſhe ſhould not have compaſſion on the Son of her Womb? yea they may forget, yet will not I forget them, *Iſa.* 49. 15. *If God hear but* Ephraim *bemoaning himſelf, how paſſionately doth he expoſtulate with himſelf?* Is Ephraim my dear Son, is he a pleaſant Child? for ſince I ſpake againſt him, I do earneſtly remember him ſtill; therefore my Bowels are troubled for him; I will ſurely have mercy upon him, ſaith the Lord, *Jer.* 31. 20. *Doth God who is* Lord alone of all the Kingdoms of the Earth *make known his* exceſſive fondneſs *of his People by ſuch Bowels of Compaſſion? How then dare his* Vicegerents requite evil for good, *contrary to Gods own Commands and Practice, and not ſeek the Good and Welfare of their People, without having Hearts harder than the nether Millſtone. Again,* How ſhall I give thee up O *Ephraim?* How ſhall I deliver thee O *Iſrael?* my Heart is turned within me, my Repentings are kindled together, *Hoſ.* 11. 9.

Tho

Tho you will neither turn nor repent, yet how ſhall I give thee up? *So deſirous is he of his Peoples Repentance, that* he beſeecheth them till he is weary of repenting, *Jer.* 15. 6. *even paſſionately with Oaths doth he expoſtulate with Sinners, his great Enemies,* As I live, ſaith the Lord, I have no pleaſure in the death of the Wicked, but that the wicked turn from his way and live; turn ye, turn ye from your evil ways, for why will ye die? *Ezek.* 33. 11. *Would ye would but conſider the price and value of this his fondneſs, you would never harraſs his People as you do;* God himſelf thought it worth the Incarnation of his own Son, *by* ſending him out of his own boſom: and ſo the Word was made Fleſh, *Joh.* 1. 1. *of which God gave abundant and ſignal Teſtimony, when* he ſmote *Egypt* in their Firſt born, and brought oppreſſed *Iſrael* from among them, with a ſtrong Hand and ſtretched out Arm, and divided the Red Sea into parts, and made *Iſrael* to paſs through the midſt of it; but overthrew *Pharoah* and his Hoſt in the Red Sea; who led his people through the Wilderneſs, and ſmote great Kings, and ſlew famous Kings, *Sihon* King of the *Amorites*, and *Og* King of *Baſhan*, and gave their Land for an Inheritance, even an Heritage to *Iſrael* his Servant, and redeemed them from their Enemies, *Pſal.* 136. *Thus hath God done, and thus will God do when he ſhall ſtand up in the* quarrel of his Covenant, *and ariſe to ſhake terribly the Earth: The whole Hiſtory of the Bible is full of ſuch exemplary puniſhments, and of frequent delivery of his oppreſſed People. And as God, ſo ought all his* Vicegerents *to be tender and watchful over all their Governed. So* Moſes, *whom* Philo *reckons among* Kings, *as doth the Scripture, Deut.* 33. 5. *And he was* King in *Jeſurun; for tho he had not the name, yet he had the Power and Authority; yet even in that Power he was no more Regal then in his Tenderneſs over the People, which was ſo great towards them, that at* Tabera, *becauſe he could not do them ſo much good as he deſired,* he beſought the Lord to kill him out of hand, *Num.* 11. 15. *At another time he was ſo concerned with the fear of their deſtruction, that* he requeſted of God, either to forgive them their ſin, or to blot him out of the book of Life, *Ex.* 32. 32. *hereby ſhewing himſelf, not only the* Miracle of Nature, *as* Philo *calls him, but of Grace too, in plighting for them that which was more worth than his life, his very Salvation. So tranſcendent is the Example of* David, *who (beſides that he urgeth it in moſt Pſalms,* the peace of Jeruſalem, the ſalvation of Iſrael, the Felicity of Gods choſen, the bleſſing of the people) wreſtled with God near the threſhing floor of *Araunah,* (2 *Sam.* 24 16, 17,) *for his mercy and favour towards his People, that he cries out,* It is I, even I that have ſinned and done this evil, *&c.* let thine hand, I pray thee, O Lord my God, be on me and my Fathers Houſe, but not on thy people, that they ſhould be plagued, 1 *Chro.* 21. 16,17.

Conſider yet farther, how paſſionately fond God (who is jealous even to fury for the good of his people) hath demonſtrated himſelf for his People, *over whom he hath made you his* Vicegerents. *Did he not ſend his own Son out* of his own boſom, to take on him the form of a ſervant, and to become obedient unto the ſhameful death of the Croſs, both for them and you? *Can Kings then imagine, that if they oppreſs them by violent perverting of Juſtice and Judgment, or multiply unjuſt Exactions, or chaſtiſe them with Whips or Scorpions, that they ſhall eſcape unpuniſhed? I tell them nay, that except ſuch Kings that ſo tyrannize, do repent, the time will come that they ſhall bemoan themſelves in vain, when* their groans ſhall be as the groans of a deadly wounded man, and their hopes as the giving up of the Ghoſt. *Was not Chriſt our Common Purchaſer? Did he not take our Rags, our Sores, our Diſeaſes, our pains upon him? Was he not wounded for our tranſgreſſions, bruiſed for our iniquities,* that with his Stripes we might be healed? *Why do you not then imitate him in being* Nurſing Fathers, *not in name only, but in deed and in truth to the people? and do not oppreſs and tyrannize over them, in denying them*

juſt Rights and Liberties, by condemning many more Righteous than your ſelves to Inquiſitions, Goals, Gallies, to beg their Bread in ſtrange Countries; Chaſtiſing them with Whips and Scorpions, and with divers ſorts of Tortures, as grievous as tearing their fleſh with the Thorns and Briars of the Wilderneſs: Conſider, I ſay, well with your ſelves, and that in very good earneſt, (it being your trueſt Intereſt, and of everlaſting Conſequence, whilſt you are on this ſide Hell and the Grave, in which there is no wiſdom.) *How contrary do Kings, Tyrants, act and govern to God Almighty, whoſe Precept and Practice it always hath been, and ſtill is,* to do good for evil, and not evil for good, *as all Tyrants do. Hath he not mitigated the rigour of the Law, which was once publiſhed* with thunder, fire, tempeſt, and darkneſs, by removing the curſe from it, as it was a killing Letter, and Miniſtry of death? And hath he not publiſhed it in the hand of a Mediator? *Doth he not woo us by his Spirit, tho we reſiſt it? Court us by his Mercies, tho we abuſe them? threaten us in much Mercy by his Judgments, to forewarn us to fly from the Wrath to come? Doth he not daily cry unto us by his Prophets, tho we deſpiſe them? proffers to teach us, tho we ſtop our Ears? to lead us, tho we pull away our Shoulders? to convert us, tho we harden our Hearts? and millions more inexpreſſible Mercies, ſhowr'd down daily upon his people committed to your care and charge, manifeſting his fondneſs and tenderneſs over them; which conſidered, I cannot but wonder then how his Vicegerents have dared to act quite contrary, by returning evil for good, by violent perverting of Juſtice and Judgment, and by multiplying unjuſt exactions on them. Have they made their peace with death? or their Agreement with Hell? can they bribe their Tormentors? or can they* dwell with devouring fire, or everlaſting burnings? or can they quench the flames of Tophet, which is ordained of old? yea for Kings it is prepared; he hath made it deep and large; the pile thereof is fire and much wood, and the breath of the Lord, like a ſtream of brimſtone, doth kindle it, *Iſa.* 30. 33. *Are Kings the* Anointed of the Lord, *and boaſt thereof? ſo are the People*; He ſuffered no man to do them wrong; yea, he reproved Kings for their ſakes, ſaying, Touch not mine anointed, and do my Prophets no harm, *Pſal.* 105. 14, 15. Whoſo toucheth them, toucheth the Apple of his eye, *Zech.* 2. 8. The Lord taketh pleaſure in his people, (*ſo ſhould all Kings*) and he will put a Sword into their Hands to execute vengeance upon the Heathen, and puniſhment upon the people; to bind their Kings with Chains, and their Nobles with fetters of Iron; to execute upon them the Judgment written; this honour have all his Saints, *Pſ.* 149. 4, 5, 8, 9. It is Piety alone *that enobles Kings, gives them a mighty Character, and eſtabliſheth their Thrones: Therefore Kings ought to be like the Sun in the Firmament, comfortably influencing all their Subjects, by governing juſtly, and living uprightly,* having their Eyes on the faithful of the land, and on them that excel in virtue, and not ſuffering thoſe that make Kings glad with their wickedneſs, and Princes with their Lies, (*Hoſ.* 7. 3.) to tarry in their ſights; it being an abomination in Kings to work wickedneſs, for the throne is eſtabliſhed by righteouſneſs, if Solomon, (*the wiſeſt King that ever did, or ever will ſit upon a Throne*) can judge, Prov. 16. 12. *So Pope* Leo, Ep. 7. *to the Emperor* Theodoſius, Tunc eſt optimus regni veſtri ſtatus quando ſempiternæ & incommutabili Trinitati unius Dei confeſſione ſervitur. *Then is the State of your Kingdom in it its Glory, when it ſerveth and acknowledgeth one eternal God in the Immutable Trinity. This God hath demonſtrated by an Iliad of Examples, both of old and more puny daies, by puniſhing Kings governing tyrannically, more ſignally, and eſpecially in* Nebuchadnezzar, *who not conforming to the Counſel of* Daniel, by breaking off his ſins by righteouſneſs, and his iniqities by ſhewing mercy unto the poor, *was turned into a very Brute, being driven from men* to dwell with wild aſſes, to eat graſs with Oxen, till ſeven times had paſſed over him, his body wet with the dew of Heaven,

his

his hairs grown like eagles feathers, and his nails like birds claws, before his underſtanding returned unto him to bleſs God, and to acknowledge that the moſt high ruleth in the kingdom of men, *Dan.* 4. *So averred* David, a King after God's own heart; Man that is in honour, and underſtandeth not, is like the beaſts that periſh, *Pſalm.* 49. *ver.* 20. *What this Underſtanding is, is declared,* Job 28. 28. The fear of the Lord, that is wiſdom; and to depart from evil, that is underſtanding. *All other Wiſdom, in reſpect of this, is but Brutiſh: which made* Conſtantine the Great *to eſteem all Principalities, not ſubſervient to the Laws of Heaven, to be far worſe than the Government of Goat-Keepers, Shepherds, and Cow-herds,* Euſeb. Orat.

In the Kingdom of Infidels, who have no right knowledge of God, nor of his Laws, the Supreme Law is only the ſafety of the Civil State, and its Temporal Happineſs: but when a Gentile State becomes Chriſtian, then conſequently it becomes alſo a Church; *whereby it loſeth nothing which it had before, but acquires a new Perfection by accrument of Divine Powers added to the Civil; and conſequently a greater Duty incumbent on the Governors thereof, to ſeek and procure the Welfare and Happineſs: Such Kingdoms, ſo united and ſo interwoven, are in a more ſpecial manner the Inheritance and Kingdoms of our Lord Jeſus Chriſt, which his Father gave him as the Purchaſe of his bitter Paſſion;* Ask of me, and I ſhall give thee the heathen for thine inheritance, and the uttermoſt parts of the earth for thy poſſeſſion, *Pſalm* 2. 8. *And Chriſt doth imbrace the Glory of this his Kingdom, ſo incorporated, with ſo much more tenderneſs and affection, than the Pomp and Pride of all earthly Kingdoms, as that he threatneth thoſe Kings, Nations and Kingdoms, that will not ſerve him,* ſhall periſh and be utterly waſted, *Iſaiah* 60. 12. Speak every man truth in his heart to his neighbour: execute the judgment of truth and peace in your gates: therefore love the truth and peace, *Zechar.* 8. 16, 19. *are Divine Oracles, and ſhall challenge Obedience from every Individual; but more particularly, and eſpecially, they ſeem to have reſpect unto thoſe that ſit at the Helm, that execute the Judgment of Truth and Peace in the Gates.*

It is, no doubt, as great a fault to be ſilent when one ought to ſpeak, as to ſpeak when one ſhould hold his peace: ſins of Omiſſion being no leſs dangerous than ſins of Commiſſion. I think I do no diſ-ſervice to the Publick, or tranſgreſs the duty of Honeſty or Loyalty, if I endeavour by Pen to ſet the Right of Government on a ſure and right Foundation, when I ſee daily ſo many falſe Principles, exorbitant Powers, and Unaccountableneſs, attributed to Chief Magiſtrates, as may make very Saints to tranſgreſs in Government, that happily otherwiſe would not; and theſe not Written by vulgar Pens only, but Preached and Printed by Miniſters of the Goſpel, that they might be delivered with the better grace and greater authority, though not without moſt palpable wreſting of Scripture to wrong ſenſes and purpoſes; which in Miniſters of the Goſpel is the more abominable: but God ſhall cut off all flattering lips, and tongues that ſpeak proud things, *Pſalm* 12. 3. *There are ſo many Sermons full fraught with ſuch Principles, that they who are eſteemed the Governors of our Church cannot be ignorant of them; yet they, (whom it moſt concerns to take notice of true and falſe Doctrines) being ſilent, (which ſeems to argue conſent) hath encouraged me to put Pen to Paper, to aſſert the truth. It ought not to be imputed as a Crime to any, who bring the Actions of Princes, Popes or Prelates, to the Touch-ſtone of Truth. Truth, (though it begets hatred to the Aſſerters thereof, yet) like the Sun, is a publick good, which neither excempteth Princes, Popes, private Men, no, nor Angels, from her Laws. I have followed, as near as I can, the Beams of that Sun, by adhering cloſe to true Principles of Nature, of Reaſon, and of Scripture: If any Light I have given hath diſcovered falſe Gloſſes, or Truth from Error, no reaſon to quarrel either with the Truths themſelves, or with the Aſſertor of them.* Truth, ſeaſonably ſpoken, can hurt no Body. *If falſe Principles are cenſured and adjudged by Divine Light,*

Light, by Laws of Nature and Reaſon, and diſapproved by Chriſtian Religion, be pleaſed or diſpleaſed who will, it matters not, the care is taken; It being more than human Tyranny, to deprive Faith and Truth of Tongue or Pen *for* their Defence: *where* Truth maketh no diſtinction of Perſons, I dare not; I only condemn what ſhe doth, *without reſpect had to Perſons great or ſmall, if they claſh with Truth, or endeavour to obſcure her brightneſs. To aſſert Truth, is no point of Arrogance; and to ſearch for Truth when it is concealed, is the beginning of Charity; and to aſſert it with conſtancy when it is apparent, is the conſummation of Charity; and to walk in the Light thereof, is the beginning and conſummation of Happineſs. For who can be more bleſſed than he who enjoyeth Truth in its Excellency, Conſtancy, and Immutability? I am not ignorant, that Fear, Honour, and Reverence are due to Magiſtrates, but more to Truth;* for God is Truth. *Nor is it Reverence, with baſe flattery, or ignorant blindneſs, to hide the publick Blemiſhes and Miſcarriages of the Actions of great Men. No, no, it's downright flattering Profaneneſs, diſſembling and betraying the Truths of God. It's much more Chriſtian Honour, to declare them with Chriſtian Charity, and reprove them with Chriſtian Modeſty.* Thou ſhalt not hate thy Brother in thine heart: thou ſhalt in any wiſe rebuke thy neighbour, and not ſuffer ſin to fall upon him, *Levit.* 19. 17. *whether he be of a great or little Figure in the World, it matters not.* Go tell Judah of her ſins, and Iſrael of her tranſgreſſions, *be who will pleaſed or diſpleaſed therewith. By which it appears, that though Reproofs and Admonitions have been the Duty of every perſon from the very beginning of Religion* (Cry aloud, ſpare not, lift up your voice like a trumpet, *(proclaim defiance, ſound a challenge, and charge againſt them;)* ſhew the people their tranſgreſſions, and the houſe of Jacob their ſins, *Iſaiah* 58. 1.) *yet they are ſeldom or never acceptable; but on the contrary, get hatred to thoſe that diſcover their* Dalilah's, *their boſome ſins: but their comfort is, that by reproving, they fulfil God's Precepts,* and he that hateth reproof erreth, is bruitiſh, and ſhall die, *Pro.* 10. 1. 15. *Pro.* 12. 15. *Pro.* 10. *A moſt ſtrange and unhappy temper, to return hatred for good will, to hate thoſe that ſhow the greateſt kindneſs that poſſibly mortal Man can ſhow:* he that regardeth reproof ſhall be honoured, and is prudent, *Prov.* 13. 18. *Pro.* 15. 5. He that refuſeth inſtruction, deſpiſeth his own ſoul: but he that heareth reproof, getteth underſtanding, *ver.* 32. As to deſpiſe Dominion, and ſpeak evil of Dignities, is a great Crime, to be puniſhed by the Judges; ſo there is a wo to them who call evil good, and good evil; that put darkneſs for light, and light for darkneſs, *Iſaiah* 5. 20. *Wherefore if they whoſe immediate Duty it is to tell* Judah *of her Sins, and* Iſrael *of her Tranſgreſſions, will by a ſinful compliance be ſilent, or daub with untempered Mortar, not daring to declare plain Truths; which is* tant à monte, *a tacite giving conſent and countenance to publick Sins and Injuries, by ſuch their connivance and diſſimulation: I hope they will not blame thoſe who dare call Vices by their proper names.*

I am ignorant of ſuch quirks of Conſcience, which ſo much injure Juſtice and Piety, as by ſuch perverting the plain Truths of Religion, and prevaricating with God Almighty, by pleaſing Men rather than Truth, as if both might not, and ought not to ſtand together; as if a due reſpect to Men, even to great Men, and a juſt cenſure of Sin and Wickedneſs, might not juſtly be maintained. So that if any thing in this preſent diſcourſe ſeem more harſh or ſevere than uſual, it is intended againſt the Vices and Abuſes of the Powers, not againſt the Perſons, nor any juſt Powers. If they are Truths that I have declared, I ought not to be blamed; if Errors, they'l eaſily be diſcovered and refuted, and the greater Truth will appear. If I have committed Errors, and injured Truth, I am ſenſible of my own Infirmities; and that Reaſon is ſeldom ſo perfectly reduced to Science, but that I and all others may be miſtaken: Humanum eſt errare. *Let*

thoſe

thoſe that ſhall diſcover ſuch Errors conſider, that they themſelves are Men, and ſubject to like Errors, and Frailties, and may be deceived; and that poſſibly when by diſquiſition a greater Light may diſcover that that may be the Readers miſtake, which he eſteemeth may be the Writers Error.

In ſumm, All the Glory of Kings and Kingdoms ought to ſerve God, (by judging righteouſly, by countenancing the Faithful of the Land, and not ſuffering the Wicked to influence their Councils, and by walking wiſely in a perfect way, and by hating the Works of them that turn aſide, *and by not ſuffering thoſe that have high Looks and proud Thoughts,) as being made choice of by him to adminiſter in his Kingdom, as* Nurſing-fathers of his people, *Iſaiah* 49. 23. *God, bleſſed for ever, who ſetteth up Kings, and removeth them, doth only love the Principality and Kingdom of his own Eternity, and himſelf continually addeth to the Glory and Enlargement thereof, but willeth and expecteth the ſame from all Kings, Princes, and Governors of Temporal Scepters, to do the ſame, and that under ſevere Menaces and Penalties. Whatever therefore of Inlargement, Glory, Stability, the carking Cares or Deſigns of the great Men of the Earth may project and promiſe to themſelves, by being Kings and Princes on the Earth, they are all but* magnificum nihil, *toys, gewgawes, and vanity in the ſight of God, when put into the Ballance with that Kingdom which Chriſt alone loveth, reſpecteth, and deſireth; and unto which, unleſs they be heartily ſubſervient, to ſerve and inlarge the Kingdoms of our Lord Jeſus Chriſt, they* ſhall become like the chaff of the ſummer threſhing-floor, and the wind ſhall carry them away; *and the God of Gods, and Lord of* Kings, ſhall ſet up a kingdom which ſhall never be deſtroyed, and the kingdom ſhall not be left to other people, but it ſhall break in pieces all other kingdoms, and it ſhall ſtand for ever, *Dan.* 2. 44, 45, 47. *If Kings will not kiſs the Son, nor do their Duty, in purging the Houſe of the Lord,* may not *Eliah* and the People do their duty, and caſt out *Baal's* Prieſts? *Reformation of Religion is a perſonal act that* belongeth to all, even to every private Perſon, *according to his place: they may ſwear a Covenant without the King, if he refuſe, and build the Lords Houſe themſelves,* 2 Chr. 15. 9. *and relieve and defend one another, if oppreſſed; for our Acts and duties of defending our ſelves, and the oppreſſed, do not tye our Conſciences* conditionally, *ſo the King conſent, but* abſolutely, *as all duties of the Law of Nature do,* Jer. 22. 3. Prov. 24. 11. Iſaiah. 1. 17. & 58. 6.

Be wiſe now therefore, O ye kings: be inſtructed ye Judges of the earth. Serve the Lord with fear, and rejoyce with trembling. Kiſs the ſon leſt he be angry, and you periſh from the way, when his wrath is kindled but a little: bleſſed are all they that truſt in him, *Pſalm.* 2. *Therefore it becomes you, that ſit upon Thrones, to obſerve and obey the true unqueſtionable divine* Lex Regia: *to you it is commanded,* Deut. 17. 18, 19, 20. *viz.* to read in the Book of the Law all the days of your lives, that you may learn to fear the Lord your God, to keep all the words of the law and the ſtatutes, to do them: that your hearts be not lifted up above your brethren; *(by whom, and from among whom, ye your ſelves were choſen, and ſet in great Glory, Honour, and Dignity: to go in and out before them, judging righteouſly) and that* you turn not aſide from the commandment, to the right hand, or to the left: do violence to no man; for God hates the violent man, and evil ſhall hunt the violent man to overthrow him, *Pſalm,* 140. 11. *Be content with your Tribute, and exact no more than what is appointed you by publick conſent; take care that there be* no violent perverting of Judgment; *no ſhamming of Laws, or prevaricating with falſe conſtructions of Laws, or by* Innuendoes, *leſt thereby the Lives and Fortunes of your Subjects be taken away: and it ſhall be your Wiſdom, and your Underſtanding, and all your People will call you Bleſſed; and it will be your Comfort at the end of your Days (a time ſpeedily approaching*

proaching) when all Crowns, Scepters, and Royalties must be resigned to God, the Judge of all Men, when you shall all stand in an equal distance with those you now call Vassals, and use rather like Beasts than Images of God and Christians, before his Tribunal, when no Titles of Honour, no Eminency of Station, no Treasures of Wealth, no Strength of Armies or Dependencies will accompany any of you into the Presence of the Lamb, to stand between you and the Judgment of the great Day: for God is no respecter of persons, and will not be mocked.

Be wise now therefore, O ye Kings, even to day, whilst it is called to day, before the irreversible Decree of Wrath be gone forth, and esteem that Lex Regia, *all his other Laws, Statutes, and Judgments, more than your necessary Food; and that they may be sweeter to you than the Hony and the Hony-comb, lay them up in your Hearts, and in your Souls*; bind them for a sign upon you hands, that they may be as frontlets between your eyes, that you may teach them to your subjects: (*as was commanded to* Josiah, *Deut.* 17. 17.) *speaking of them when you* sit in your houses, and when you walk by the way, when you lie down, and when you rise up; write them upon the door-posts of your houses, and upon your gates, bind them upon your hearts, and tie them about your necks, and make them your continual Ornament, that when you go they may lead you, that when you sleep they may keep you, and that when you awake they may talk with you, and teach you to keep sound wisdom and discretion, *that in all your ways and conditions they may be your Safeguards, your Companions and your Comfort.*

Be wise now therefore, O ye Kings, be instructed ye Judges of the Earth. *Let your provident care reach beyond the forecast of the Fool in the Gospel, even for immortality it self; make no provision for the flesh, to fulfil the Lusts thereof, for there is but* one thing only necessary. *Do not desperately fright and condemn the purity and simplicity of the Gospel, but abstain from all appearance of evil, and resist unto blood, striving against sin: Be not like those Fools that make a mock of sin, and so cursedly cruel to your immortal Souls, as to dote on Mediocrities of Grace, by understanding God otherways then he will be understood, and so delude your own Souls, and be forced at last to sing Lachryme, when you shall see the poor despised righteous stand in great boldness in the presence of the Lamb, and you your selves thrust out, with A* go ye curſed, *and then cry, when it is too late,* We fools counted their lives madness, and their ends to have been without honour, and now how are they numbred among the Children of God, and their lot is among the Saints? *Wisdom* 5. 1, 4, 5. *Break no Laws, nor Covenants made with your People: Consider with what terrible Solemnity God published his Laws and Covenants on Mount* Sinai, *with Thunder and Lightning, Fire, and Tempest, Smoak and Darkness, with expectation of an exact performance of all his Laws; and tho in much Mercy, Pity, and Compassion to us, he hath since removed the curse from it,* as it is a killing Letter, and ministry of death, *and hath* now published it in the hand of a Mediator: *And consider withal, that he hath so great a detestation and hatred against sin, that it* amazed the very Soul of Christ himself, *and made him (who had more strength then all the Angels in Heaven,) to shrink and draw back, and to pray with strong cries and bloody drops against the Cup of his Fathers Wrath, and against the work of his own mercy, and to decline the business of his own coming. Now or never be wise O ye Kings, and be instructed ye Judges of the Earth, and consider that what I have written is for the true interest of your immortal Souls, and is of everlasting consequence, and that within a few years, you must bid an everlasting farewel to all your Kingdoms and Glories; that your Winter-houses, and your Summer-houses, that your Houses of Ivory, and your great Houses shall be smitten and have an end; and as you brought nothing with you into the world, so shall you carry nothing out but your own Consciences, which will be as a thousand*

Witnesses

Witneſſes to teſtifie againſt you, and that Heaven and Hell will divide the whole World; and when God makes Inquiſition for blood, he will remember the cry of the poor, *Pſal.* 9. 12. *and revenge the Perſecutions and Blood of his Saints, ſhed either in War or Peace:* Think not more highly of your ſelves than you ought to think, but think ſoberly, that at the day of Judgment you ſhall have no more favour than the meaneſt of your Black-Guard.

Humi-repentis eſt Indolis nunquam inſanire ſine timida Apologia, *and yet not quite mad, moſt Noble Kings, Princes, and Potentates; for if you will ſeriouſly and Chriſtianly conſider your own moſt true and eternal Intereſt, and that* unum neceſſarium, *(which is and ought to be the greateſt and deepeſt concern of all Princes, as well as of all Peaſants) you will find that I have writtten the words of truth and ſoberneſs, and am ſo far from doing you wrong, that it will lead you to the true way of happineſs both here and hereafter, and to give up our Accounts with comfort at the great and dreadful day of Accompt.*

Conſider how mighty prevalent your Examples are to good or evil, more than Twenty thouſand Pulpits: The ſins of the Vulgar hurt little by infection, but the ſins of the Mighty are peſtilential and poyſonous. I have done, only beg your favour, that what I have written, I have written as Adviſoes and Admonitions, not as Imputations.

Hear therefore, O ye Kings, and underſtand, learn ye that be Judges of the Earth, give ear ye that rule the People, and glory in the multitude of Nations; for power is given you of the Lord, and ſovereignty from the Higheſt, who ſhall try your works, and ſearch out your Councils; becauſe, being Miniſters of his Kingdom, you have not judged aright, nor kept the Law, nor walked after the Council of God. Horribly and ſpeedily ſhall he come upon you, for a ſharp judgment ſhall be to them that be in high places, for mercy will ſoon pardon the meaneſt, but mighty men ſhall be mightily tormented: for he which is Lord over all ſhall fear no mans perſon, neither ſhall he ſtand in awe of any mans greatneſs: for he hath made the ſmall and great, and careth for all alike; but a ſore Trial ſhall come upon the mighty. Unto you therefore, O Kings, do I ſpeak, that you may learn wiſdom, and not fall away, *Wiſd. chap.* 1. *ver.* 1, 2, 3, 4, 5, 6, 7, 8, 9.

THE

THE Right of Government, AND JUSTIFICATION OF DEFENSIVE ARMS, &c.

THough there can be nothing ſo exactly, ſo accurately, ſo cautiouſly written, that prevaricating, and ſearching Wits, and Men of different Principles and different Intereſts (who take and meaſure only by their own Plummets and their own Lines) will not quarrel and throw Stones at, when ſound Reaſon and ſolid Arguments are wanting to refute: Yet I preſume to expoſe my Sentiments concerning Government and Governors, and to run the ſame fortune and risk with others (not vainly expecting to paſs currantly without ſnaps and ſnarles) laying a very ſhort, but firm Foundation, as a ſolid Rock, able to bear and juſtifie all the Superſtructures which I ſhall Build thereon, relating to any Form of Government whatſoever; thereby avoiding multiplicity, and miniſtring leſs occaſion of Diſputes, and leſs Fuel to kindle the fire of Contention, and leſs ſcope to pick and make Diſputes and Quarrels upon. I ſhall not particularly meddle with the ſeveral Forms of Government, nor how rightly or abuſively exerciſed in any Nation, State, or Kingdom, but ſhall endeavour *quantum in me*, to ſet the Right of Governors and Government on a right Foundation in general, without reſpect to this, or that Form, or to this or that Nation, Commonwealth, or Kingdom, and without particular Reflections, as much as is poſſible (unleſs by way of inſtance) on any particular Kingdom, or Commonwealth.

CHAP. I.

Shews the abſolute neceſſity of Government; of what Nature it ought to be; and how Governors ought to behave themſelves in the Management thereof. To what Governors Obedience is due.

I Shall *Firſt* ſhew the abſolute neceſſity of Friendly Aſſotiations and Government. *Secondly*, Of what Nature it ought to be. *Thirdly*, Who of right have the Power of Government. It is a Maxime moſt Chriſtian an undeniable, That *pure Religion and undefiled*, Holineſs of Life and Converſation, is every Man's bounden Duty in particular; and is, and ought to be, the higheſt of all the Cares and Concerns of all publick and private Governors, and Governments in many reſpects. 1. In reſpect of *gratitude* towards *God, who hath done ſo great things for us Men, and for the Eternal Welfare of our Immortal Souls*; and who *giveth to all Men liberally and upbraideth not*, and not only for *neceſſity*, but for *delight* alſo. 2. In reſpect of his Almighty Power, who is *Lord alone of all the Kingdoms of the Earth, and doth whatſoever he pleaſeth in Heaven above, and*

in Earth beneath, and in the great Waters. 3. In reſpect that *righteouſneſs and judgment are the habitation of his throne*, Pſalm 97. 2. *and he will judge the World with Righteouſneſs*, and *all Perſons with his Truth*; and who only can *give Peace within our Walls, and Plentiouſneſs within our Palaces*; but that only *Hypothetically* on condition, that *our ways do pleaſe him.* 4. In reſpect of the great power Religion hath to qualifie all unnatural exorbitant humors and paſſions of Men, even moſt rebellious againſt God or Men, and to incline all Governors to *Rule with Conſcience*, and the *Governed to obey for Conſcience ſake.* It is no Phanatick whim, but a matter of ſound and undeniable conſequence, That all Duties, both of the Governors and Governed, are by ſo much the better executed, by how much they are the more Religious.

For it's not poſſible, that good Government can continue without good Governors; which being moſt certainly true, *Policy muſt ſubmit, and be ſubordinate, and do homage to Religion.* This is more demonſtrable in that all good Chriſtians do own theſe very Truths in their very Prayers; to which the ſeveral *Lyturgies*, of ſeveral Nations, give abundant undeniable Teſtimony. Beſides, they have God's own Command and own Pattern for ſuch Government, and Governors, *viz. He that ruleth over men muſt be juſt, ruling in the fear of God*, 2 Sam. 23. 3. Before the *Iſraelites* (God's own peculiar People, for whom God has done ſo much, and ſhewed ſo many Miracles, by bringing them out of the Land of *Egypt* by a ſtrong Hand) *entred that good Land beyond* Jordan, *he taught them by his Servant* Moſes, *Laws, Statutes, and Judgments, to govern themſelves by, ſaying, Behold I have taught you Statutes, and Judgments, even as the Lord my God commanded me, that ye ſhould do ſo in the Land whether ye go to poſſeſs it: keep therefore and do them, for this is your wiſdom, and underſtanding in the ſight of the Nations, which ſhall hear all theſe Statutes, and ſay, Surely this great Nation is a wiſe and underſtanding People. For what Nation is there ſo great, who hath God ſo nigh unto them as the Lord our God is in all things that we call unto him for? and what Nation is there ſo great, that hath Statutes and Judgments ſo righteous, as all this Law which I have ſet before thee? Only take heed to thy ſelf, and keep thy ſoul diligently, and teach them thy Son, and thy Sons Sons*, &c. What human Oracles can contrive and dictate better Laws, Statutes, and Judgments, than is commanded in Holy Writ? And therefore greateſt prudence and ſafety to make them their Pattern. But we have not only Divine, but Human Sanctions alſo for what is averred. That great Prince *Auguſtus* was wont to ſay, *That Religion did Deifie Princes*: And *Tully* tells us, That the *Roman State did increaſe and flouriſh more by Religion than by any other means.* All the *Laws* of *Solon* and *Lycurges*, of *Greece* and *Rome*, &c. come far ſhort of the *Laws of God*, for the moſt pure, juſt, and excellent Government. And whoever ſhall conſult the Antients of the very Heathens themſelves, as *Plato*, *Ariſtotle*, *Cicero*, and others, ſhall find that they all center (be the Form of Government what it will) in *juſt Laws, and juſt Execution*, without creating Subtilties or coyning Evaſions to *ſham good Laws*, made in ſimplicity and in ſincerity. Thus by Teſtimony both Divine and Human, *Religion is the beſt and ſureſt Baſis of Human Society, Union, Peace, Liberty, Plenty, and diſtributive Juſtice to all indifferently, without reſpect of Perſons, high or low, rich or poor.*

Conſider alſo what *Edward* I. hath left as a Pattern of good Government, concerning the Office of a King: *Rex autem, &c. The King, becauſe he is the Vicar of the great God, is ordained to this, That above all he ſhould reverence Holy Church; that he ſhould govern the Earthly Kingdom and People of God, and defend them from injuries, and ſhould diſcountenance and diſpel all lewd People out of Church and State; which if he do not, the name of King remains not in him. But Pope* John *teſtifying he loſeth the name of King; to whom* Pepin *and* Charles *his Sons not yet Kings, but Princes under the* French *King, wrote fooliſhly, complaining, that if ſo, the Kings of* France *ought to be content with the Name and Title of King, by whom it was anſwered, That it belongs to them to be called Kings, who carefully defend and govern the Church and People of God,* imitating *David* King of *Iſrael*, Pſalm 101. *He that worketh deceit, ſhall not dwell within my houſe: he that telleth lyes, ſhall not tarry in my ſight: I will early deſtroy all the wicked of the land, that I may cut off all wicked doers from the city of the Lord*, &c. *The King ought in all truth and ſincerity, fully and wholly to obſerve all the Dignities, Rights, and Liberties of the Kingdom, and to reduce them to their Priſtine condition. The King alſo ought to do all things in his Kingdom righteouſly, and that by the judgment of the Nobles of the Kingdom; and Right and Juſtice ought rather to bear Rule in a Kingdom than ſinful Wills and Pleaſures. Law is always that which doth right, but Will and Pleaſure is violence; and force is not right. And much more to the ſame purpoſe by* Edward *the Firſt; to whoſe Laws alſo* William *the Conqueror ſubſcribed*, Vid. Lambert. Collect. p. 142. N° 17.

The

The *true Religion of God* and honeſt Converſation (even) of Prieſts (themſelves) is our chiefeſt care, ſaith *Juſtinian*, *Novel. conſtit.* 6. The *ſearch of true Religion* we find to be the chiefeſt care of Imperial Majeſty, *Legum Theodoſ. Novel tit.* 2. *de Judæis & Samaritanis.* So *Gregory* the Great earneſtly exhorted *Edelbert* unto, the firſt that was *Chriſtned of the Saxon Kings in* England. For this cauſe the Almighty God brings the good Princes to the Regiment of his People, that by them he may beſtow the gifts of his mercy upon all that are under them. *Beda hiſt. Aug.* 32.

Conſider in the Creation we were all created in *Adam equal, and equally innocent* and upright, and had we ſo continued in that ſtate of Innocency, there would have been no need of Impery one over another, every one would have been a King to himſelf, God and Nature their only Law-givers: but lapſed Man ſought out many Inventions, and broke the Laws both of God and Nature, and thereby provoked God to anger, and to vengeance, and inſtead of being *homo homini Deus*, as in their firſt Creation and ſtate of Innocency, they ſoon became *homo homini Lupus*, which unavoidably introduced a neceſſity of Government, framed by human Wiſdom, that they may not like Brutes devour one another, but live in Unity, Wealth, Peace, and Godlineſs; that they might have Liberty preſerved, Juſtice equally diſtributed, Honeſty upheld, Religion and Piety maintained and propagated; all which could not be done, when the Race of lapſed Mankind was multiplyed, but by Laws ordained by *Common Conſent*, as ſociable Parts united into one Body; which Laws, in common Prudence and of right, do bind each to ſerve other, and all to prefer the good of the whole before what good ſoever of any particular; without which no Houſe, no City, no Nation can long ſubſiſt in any happy condition. For to govern and to be governed is not to be eſteemed amongſt things only neceſſary, but as things profitable alſo for the benefit and ſollace of all Mankind, and hath its ground and warrant in Scripture, in Nature, in Heaven, Hell, the Creatures, Mans nature and Conſcience.

In Scripture, *by me Kings* (and conſequently all other Forms of Government) *reign, and Princes decree Juſtice: By me Princes rule, and Nobles, even all the Judges of the earth*, Pro. 8. 15, 16. ſaith Gods eſſential wiſdom, *viz.* not only by the ſecret diſpoſition of his Providence, but by the expreſs warrant of his Ordinance; by Divine Inſtitution, not by naked approbation, there being *no power but of God*, either by his commiſſion or permiſſion: *The powers that are* (*i. e.* the ſeveral Forms of Government) *are ordained by God*, *Rom.* 13. 1, 2, 3, 4, 5, 6. i. e. *politick Power* in general is warranted by a *Divine Law*, but the ſeveral Forms of Government is by the Law of Nations. Princedom, Empire, Kingdom, and Juriſdiction have their Riſe from a poſitive and *ſecondary Law of Nations*, and not abſolutely from the Law of God, or of *pure Nature*, which the Lawyers call *Secundariò Jus naturale*, or *Jus gentium ſecundarium*. In ſum, *Government* is immediately from God, but this or that *Form of Government* is immediately from God, by the *Interpoſition and Mediation of the publick conſent of Kingdoms and States*, and ſo the application of the Perſons to the Office is wholly in the Governed. The ſeveral Forms of Government differ not in nature (Morally and Theologically ſpeaking, the end of all Government being the very ſelf ſame) but only politically and politively: For God appointed not Kings abſolute and ſolely Independent, but *conſtituted with them alſo Judges*, who were equally obliged to *judge according to the Law of God.* 2 *Chron.* 19. 6. as *Kings* 17. *Deut.* 15. and have a *co-ordinate ſhare in the Government*, becauſe the *Judgment is neither the Kings nor the Judges, but the Lords*, and both their Conſciences are in immediate ſubjection to the King of Kings, 2 *Chron.* 19. 6, 7. The perſons are ſometimes Uſurpers, ſometimes Abuſers of their Authority; as when they tyrannize or oppreſs; *ſuch powers God owns not*, the Rulers that he ordains *are not to be a Terrour unto good works, but to the evil*; *for they are the Miniſters of God to the governed for good, revengers to execute wrath upon them that do evil*: To ſuch Rulers we muſt needs be ſubject, *not only for wrath, but alſo for Conſcience ſake*; therefore *whoſoever reſiſteth ſuch powers reſiſteth the ordinance of God*: And for this cauſe *pay we tribute, but not to thoſe that are a terrour to good works*, the reaſon ſubjoyned, is, for they are *Gods Miniſters, attending continually on this very thing*; but if they attend not continually on this very thing, there is *no abſolute neceſſary Obligation* expreſſed, incumbent upon us for our Obedience, or for our *paying of Tribute*, Sute, or Service, but rather on the contary, *It is better to obey God than Man*, *Acts* 5. 29.

The ſame Power St. *Peter* terms *human Ordinances: Submit your ſelf to every ordinance of man for the Lords ſake*; *whether it be to the King as ſupreme, or unto Governours, as unto them that are ſent by him for the puniſhment of evil doers, and for the*

praiſe

praiſe of them that do well, 1 *Pet.*2.13,14. ſo that S. *Paul* and S. *Peter* run parallel to one and the ſelf ſame Senſe, and the *Sword in the Magiſtrates* Hand to revenge, is not a material Sword to hack and hew, kill and ſlay at pleaſure, but the *Laws made by the common conſent* are the *true Sword* (ſo Biſhop *Bilſon*) to which both *Magiſtrates and People are* equally obliged to ſubmit, the Magiſtrates being but the Conduit and Pipe, the *Adminiſtrators* (not *Patrons*) of the Powers for the ſake of order, through which, and by whom all Laws are to paſs and be executed; and by the ſame Texts they have the like Obligation to praiſe them that do well, as to puniſh thoſe that do ill: ſo *David* was taught, and practiſed: *I will not know a wicked perſon, mine eyes ſhall be upon the faithful of the Land, that they may dwell with me: he that worketh deceit ſhall not dwell within my houſe: he that telleth lies ſhall not tarry in my ſight*, &c. *Pſal.* 101. 4, 6, 7.

In Nature it ſelf are found impreſſions of this Ordinance.

In Heaven, amongſt Angels are Principalities and Thrones, *Eph.* 1. 21. and *Michael* the Archangel, *Jude* 9.

Amongſt the Sphærs, there is a *primum Mobile*, one firſt moveable Commander of all the inferiour Orbs with his Motion.

Amongſt Stars there are greater and leſſer Lights, Rulers amongſt the reſt, *the ſun to rule by day, and the Moon and Stars by night.*

Nay ſo abſolutely neceſſary is Government, that it reaches even to Hell. *Devils themſelves have their Principalities, Mat.* 25. 41. not only over other Creatures, but reſpectively among themſelves: therefore it is ſaid, the *Devil and his Angels*, and *Belzebub the Prince of Devils, Mat.* 12. 24.

To ſay nothing of Brutes, amongſt which yet Philoſophers have obſerved a perfect form of Regiment and Polity, among Bees a Commonwealth, Locuſts go out by Bands, *&c.* And ſee we not plainly, that Obedience of Creatures unto the Law of Nature is the ſtay of the whole World.

In man, if nothing elſe evince it, methinks that awful ſubmiſſion to Regiment, which natural Conſcience ſuggeſts to Savages ſufficiently proves it. As far as that Principle is heard of, that there is *a King of Kings and Lord of Lords*: wherever it is known that *there is a God that judgeth the Earth*, it is known alſo and received, that there are *Nominal Gods* on Earth, with reverence, next to the Supreme Majeſty to be adored. But above all, natural Conſcience, amongſt other common Notions, hath received the impreſſion of this natural Principle; how elſe comes it to paſs that (a few extravagant Natures and profligated Conſciences only excepted) ſuch awful Submiſſion is found in all, to Men of our own Mould? Yet in our Apprehenſion, clad with ſuch venerable Majeſty, that the guilty ſcarce behold them without trembling, and the Guiltleſs yield willing reverence to their Perſons; ſo every way God hath pleaſed to make known his Ordinance for Government, Magiſtracy, and Laws.

CHAP. II.

Shews the ultimate and final end of all Government: Shews the Laws of God and Nature to be the beſt Guides; and that Covenants made between King and People, are to be kept both by King and People, and the breach thereof alike Penal to King and People; and whoever breaks either Laws or Covenants, they are Rebels to the Laws, and that the People are ſtill the Lords People.

HAving ſhewed the abſolute neceſſity of Government, it is requiſite alſo to declare the *ultimate and final end of all Governments*, which by confeſſion of all, is primarily and eſpecially the Declaration of the infinite Wiſdom, Goodneſs, and Glory of God, propagation of the Goſpel, and the good of the Governed, for whoſe good all things were created: Unto theſe two all kinds of Governments (how variouſly ſoever framed according to the different Modes, Wiſdoms, and Underſtandings of Men and Nations) ought to be conformable. Let Chriſt be our great Exemplar, *who denyed himſelf his own natural will and life, and beſtowed himſelf on us, that we likewiſe might not ſeek every man his own, but every man the good of another*, imploying our ſelves on the benefit and ſervice of *Church and State*, and ſo *grow and be built up together in love*, which is the Conſummation and perfecting, as of all Saints, ſo of all Governments.

ments. For as God (who is King of Kings, and Lord of Lords, the only Monarch of the World, and whoſe underſtanding is infinite) in the Government and Adminiſtration of this inferiour World, deſigned his own Glory, together with the Good and Salvation of the whole Race of Mankind; ſo he expects ſubmiſſion and *perfect obedience unto his Laws, Statutes, and Judgments* from all Kings, Princes, and Governours, as his Miniſters: *Be wiſe now therefore, O ye Kings, be inſtructed ye Judges of the Earth, and ſerve the Lord with fear* in all your Adminiſtrations according to the purport of his Laws, and for the ends deſigned, leſt the ſad Fate of *Solomon* betide you, 1 *King.* 11. 11. *Becauſe thou haſt not kept my Covenants, and my Statutes which I have commanded thee, I will ſurely rend thy Kingdom from thee, and will give it to thy ſervant.*

Now without all peradventure the *Law of Nature* is the beſt and moſt equal Law, and moſt fit to be imitated; which being ſtrictly obſerved, nothing can be wanting to any body, and what every one hath is his own for ever: For as thoſe who preſide over Celeſtial Bodies are bleſſed, and juſt minds and Spirits, and every one doth moſt juſtly govern his own Body; ſo Nature being derived from thoſe Superiour juſt Souls, keepeth the moſt juſt and equal order in all her actings, which ſhe makes known to all the World. Now the nearer all human Laws do come to the Laws of God and Nature, the more certain and the more glorious muſt their way of living be, who live and are governed by ſuch Laws. Unto theſe Laws had thoſe ancient Law-givers reſpect, which eterniz'd their Names and Memories famous to all ſucceeding Ages: Above the reſt are celebrated the Laws of *Lacedæmon* by *Licurgus*; of *Athens* by *Solon*; of the *Locrenſes* (a Town in *Italy*) by *Zalencus*; of the *Thurii* (a City in *Greece*) by *Garondas*; of the *Getæ* (a People of *Scythia* in *Europe*) by *Zamolxis* a Scholar of *Pythagoras*: and Divine *Plato* commends the Laws of *Crete*; *Iſocrates* of the *Carthaginians*; but above all, the *Roman* Laws, by the Judgment of *Polybius* do excel. Theſe Laws of theſe Law-givers, tho not the ſelf-ſame but differing one from the other, yet they all tend to one and the ſame end, the Peace, Happineſs, and welfare of the ſeveral Nations and People, tho they did not march all in one and the ſame Road and Path thereunto. The firſt *Law givers* had always the *Laws of Nature* (in which there's nothing unequal to be found) before their Eyes, to imitate and conform to them as near as they could: but when they made *Judicial Laws*, as they were not all under one Climate, nor ſuckt the ſame Air, ſo they had not all the ſame Reaſon, the ſame Judgment, which made the difference in their Laws; but yet *they all tended to the good and happineſs of the People and Nations for whom they were made*: All right being either from the *Law of Nature* (which is the Law of God) or from Cuſtom, or from *Human Laws*. The *right of Nature* always ſtands on its own Legs by its ſelf, without the aſſiſtance of Cuſtom, or of other Laws, and always points and leads to happy life and condition, which every Man, Society, and Nation might enjoy, if they would but follow her Dictates, and take her for their Guide and Rule to walk by. But above all Laws no Laws like to thoſe of the Almighty, who is the Lord alone of all the Kingdoms of the Earth, for they had reſpect not to *this life only*, but to *that of a better*, even to Eternity, which no other Lawgivers had: therefore *Moſes* exhorted the *Iſraelites, that when they ſhould poſſeſs the Land whether they were going, that they ſhould keep and do the ſtatutes and judgments as the Lord had commanded him, and it ſhould be their wiſdom, and their underſtanding in the ſight of the Nations which ſhall hear all thoſe ſtatutes, and ſay, ſurely this great Nation is a wiſe and underſtanding people: And what Nation is there ſo great, that hath Statutes and Judgments ſo righteous as all this Law, which I ſet before you this day, Deut.* 4. 4, 5, 6, 7, 8.

Having declared the neceſſity, uſefulneſs, and benefit of Government, and the final end thereof, it is now requiſite to ſhow the *true and efficient cauſe and right of Government, where, and in whom the juſt right of appointing Governours and Government is undoubtedly inherent and inſtated.* **God**, beyond all contradiction, reigns by his own Plenipotentiary Power, and *doth whatſoevor he pleaſeth in Heaven above, and in Earth beneath, and in the Waters under the Earth*; *Kings* and other Governours only *precariò*, at the good will and pleaſure of others; *God* by himſelf, *Kings by God* and the Governed; *God* by his own Juriſdiction, *Kings* by deligated Authority from others: the Juriſdiction of God is immenſe, that of *Kings* limited: So the power of God infinite, that of Kings not ſo; the Kingdom of God endleſs, boundleſs, that of Kings, limited to certain Regions, and fading. When *God ſets Kings upon Thrones*, he ſets them there *as his Subſtitutes to go in and out before his people, and to do Judgment and Juſtice*, 2 *Chron.* 9. 8. and upon condition, *that the governed ſhould ſtill be the Lords people*, 2 *King.* 11. 17.

2 *Chron.* 1. 10. So that God ſtill remains Lord, and Proprietor of the ſame People, but ſets Kings and other Magiſtrates over them, to govern and feed them like good Shepherds, not to pill, poll, and fley them; ſo all good Kings acknowledged, as *David*, *Solomon*, *Jehoſaphat* and others: So *Nebuchadnezzar*, tho an Ethnick did acknowledge, *Dan.* 2. 47. Hence it neceſſarily follows, that Kings are ſet over a People to nouriſh and cheriſh them as God himſelf, and not to wrong or oppreſs them: So *Jehojada made a Covenant between the Lord, and the King, and the People, that they ſhould be the Lords People, and between the King alſo and the People*, 2 *King.* 11. 17.

In the Inauguration of *Joæ*, we read of *a holy Covenant between God and the King and the people*, as it is elſewhere expreſſed between *Jorada the chief Prieſt, and all the people and the King, that they ſhould be the people of God.* So *Joſiah and all the people made Covenant with God*, 2 *King.* 11. 11. 2 *Chr.* 23. 13, 16. 2 *King.* 23. from which is to be underſtood, that *the high Prieſt in the name of God, covenanted between the Lord and the King, and the People, that they ſhould be the Lords People; and between the King alſo and the People, that God ſhould be truly and purely worſhipped by both King and People of Judah.* And was not the King ſo to reign, that he ſhould ſuffer the People to ſerve God according to the Law of God, and the People ſo to obey the King, that in the firſt place they were to obey God, and both King and People ſworn by Solemn Sacrament, *in the firſt place to worſhip God, and keep his Laws*: matter of Fact doth manifeſt it: *And all the People of the Land went into the Houſe of Baal and brake it down, his Altars and his Images brake they in pieces*, &c. *and reſtored the Worſhip of God*; the ſum of the Covenant being, *that all ſhould worſhip God, and all ſhould take care that God be worſhipped* according to his own Precepts and Preſcript; which if they did perform, God would be with them and bleſs them, if not, then he would deſtroy them. So *Moſes* before his death reheareth the Conditions of the Covenant made with their Forefathers; and all the Bleſſings and Curſes attending the breach or performance thereof, *Deut.* 29. 30, 31. commanding them to *take the book of the Law and put it in the ſide of the Ark of the Covenant of the Lord your God, that it may be there for a witneſs againſt thee*, &c. *Deut.* 31. 26, 27, 28. After *Moſes* was dead, God himſelf conſtituted *Joſhua* to go in and out before his People on the ſame conditions, *Joſh.* 1. which if they tranſgreſſed they ſhould be delivered into the hands of the *Canaanites.*

One and the ſelf ſame Covenant, which was made between God and the People under the *Judges*, *was made under and with the Kings.* After *Saul* was conſtituted King, *Samuel* ſaid to the People, *Fear the Lord and ſerve him in truth with all your heart; but if you ſhall ſtill do wickedly, ye ſhall be conſumed both ye and your King*, *Joſh.* 12. 24, 25. thereby ſhewing that God expects as ſtrickt performance of his Laws from Kings as from the People. *Saul* being rejected becauſe he brake Covenant, *David* was conſtituted King on the ſame Conditions; and ſo *Solomon* his Son; which Covenant was, *That if they and their Children kept his Commandments, and obſerved his Statutes, they ſhould ſit on the Throne of Iſrael for ever, if otherwiſe they ſhould be deſtroyed*, 1 *Kings* ch. 2. ver. 12. 2 *Chron.* 6. 16. *ch.* 7. 17.

Hence the *Book of the Law found in the Temple* in the days of *Joſiah*, is called the *Book of the Covenant* of the Lord, which he commanded his People to deliver to the King, 2 *King.* 23. 2. *Deut.* 7. 18. (which *Samuel* did to *Saul*, 1 *Sam.* 10. 25.) and *Joſiah* accordingly *did covenant before the Lord*: So the Law which was kept in the Ark, is called *the Covenant of the Lord with the Children of Iſrael*; who being delivered from the *Babylonish Captivity*, *renewed their Covenant with God*, which they had violated, 2 *Chron.* 6. 11. whereby it is manifeſt, that *Kings*, *as Vaſſalls to the Law of God*, ſolemnly ſwear to be obedient thereunto. We make *a ſure Covenant*, and write it, and our *Princes, Levites, and Prieſts ſeal unto it*, *Nehem.* 9. 38. *the breach of which Covenant is a like penal to King and People*; which is manifeſted in *Saul*, who for offering Sacrifice, and for ſparing *Agag King of the Amalekites* was accounted a *Rebel and puniſhed accordingly*, 1 *Sam.* 13. 12, 13. and thereby taught, that Kings, if they break the Laws, are as *truly Rebels as Subjects*, and that *obedience is better than ſacrifice: thou haſt rejected the word of the Lord, and the Lord hath rejected thee from being King over Iſrael*, 1 *Sam.* 15. 26, 27. which crime doth not terminate only in the Perſons of Kings ſo rebelling, but is extenſive alſo to their Children. *So, God did rend the Kingdom out of the hand of Solomon, and gave ten tribes to his ſervant Jeroboam, becauſe he forſook God and worſhipped Aſtaroth*, &c. 1 *King.* 11. 32, 33. *he breaking his Covenant, God became free and diſcharged of his promiſe*, and rent his Kingdom from him. The ſame *Jeroboam* erecting two Calves in *Dan and Bethel* became ſin unto the Houſe of *Jeroboam*, even to cut it off, and was ſo puniſhed by the death of his Son, and then deſtroyed it

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from off the face of the Earth, 1 *Kings* 13. 34. And why? Becauſe they kept not *God's Covenant*. The Scripture is full of ſuch Examples of the *Kings of Iſrael and Judah*. As the Goſpel ſucceeded the Law, ſo *Kings Chriſtian* are in the place and ſtead of *Jewiſh Kings*, and are under the ſame Covenants, the ſame Pacts and the ſame Puniſhments, and the *ſame God* is the ſame Revenger of all Perjuries, and Perfidiouſneſs, and Covenant-breaking. As the *Jewiſh Kings* were ſtrictly obliged to the obſervation of the Law, ſo *Kings Chriſtian* to the obſervation and propagation of the Goſpel, unto which they Swear at their Inauguration. *Herod* (who ought to have advanced the Kingdom of the *Lord Chriſt*) fearing *Chriſt* himſelf, as a *Competitor* for his *Kingdom*, condemned him to Death. Behold how ſoon he miſerably periſhed and loſt his Kingdom! How ſoon was *Julian the Apoſtate* in deſpight of all his obſtinacy and perverſneſs, brought to his ſcornful Exclamation and Acknowledgment of *Vicisti Galilæe*? Hiſtories both Sacred and Profane, Old and New, are full of ſuch fearful Examples, which may teach all *Kings and Princes, That though they ſet themſelves, and the Rulers take counſel together againſt the Lord, and againſt his anointed* (which are his People, *Pſalm.* 105. 14, 15.) *yet he that ſitteth in the heavens ſhall laugh them to ſcorn; and the Lord ſhall have them in deriſion*, and in his due time, *ſhall break them with a rod of Iron, and ſhall daſh them in pieces like a potters veſſel, and make all their enemies their foot-ſtools*, Pſal. 2. & 100. *And they ſhall confeſs the Lamb Chriſt Jeſus to be King of kings, and Lord of lords; and that they that be with him, to be the choſen and faithful*, Rev. 17. 14. It is wonderful and ineffable to conſider that the great God of Heaven and of Earth did not create Men only a *little lower than the Angels, and in his own Image*, and *give them alſo dominion over the fiſh of the ſea, and over the fowl of the air, and over the cattle, and over every living thing that moveth upon the earth*, Gen. 1. 26. but ſuch was his admirable Love to Mankind, that he hath in ſome meaſure *given him a ſhare and part with himſelf in the External and Worldly Adminiſtration and Government of themſelves*, and of the things below, in directing them to a Government according to his own Pattern diſplaied in the *Old* and *New Teſtament*; and given them Laws to Govern themſelves, and Honours, and dignifies them with the Title of his own Lieutenants, and Vice-gerents; nay, of *Gods*: *I have ſaid ye are Gods*, &c. *Pſalm* 82. 6, 7. viz. *By me Kings reign, and Princes decree juſtice*, Prov. 8. 15, 16. who, in the days of the *Prophets* and ſince, hath left them unto their own free choice and diſcretion, ſtill obſerving his Laws and Commands, againſt which no Law can have force. And God himſelf *remembring his Covenant, the Word which he ſwore to a thouſand Generations*, became a *Pattern* to all his ſucceeding Vicars and Vice-gerents to imitate. When he ſent *Joſeph* before him into *Egypt* in his due time, *to bind Princes at his pleaſure, and teach his Senators wiſdom*; when he *ſent* Moſes *his Servant, and* Aaron *whom he had choſen* to *becter* proud *Pharaoh King of Egypt*, and bring out his *people Iſrael with a high hand* and *ſtretched out arm*, and *deliver them out of the Iron furnace and Egyptian bondage*: reproving *Kings for their ſakes*, ſaying, *Touch not mine Anointed, and do my Prophets no harm*; *when he led them through the wilderneſs, by ſpreading a cloud for their covering, and fire to give light in the night*; *when he made the red ſea a wall unto them on their right hand and on their left, and at the ſame time overthrew Pharaoh and all his hoaſt in the midſt of the ſame*; *ſo that there remained not ſo much as one of them*: but *brought Iſrael forth with Gold and with Silver, and not one feeble perſon among their Tribes, and gave them the Land of the Heathen for their inheritance, and uttermoſt parts of the Earth for their poſſeſſion*. Of ſuch vaſt and near conſequence and concern was the Happineſs and Welfare of the People of the *Jews* (though a rebellious generation) unto God himſelf, that he uſed his Almighty Power, and wrought Miracle after Miracle, rather than not deliver them from the Hands of their Enemies and cruel Bondage.

A notable Document to all Chriſtian Kings, who pride themſelves and glory in being ſtiled and eſteemed his Vice-gerents, to imitate God and his Vice-gerent *Moſes* in all their Governments, in keeping Covenants, and being in good earneſt *Nurſing-fathers* to the governed, and *carry them in their Boſoms* (*as Nurſing-fathers bear their ſucking Children*) and not vex them with their Wyles, nor yet with any Oppreſſions or Tyranny.

CHAP.

CHAP. III.

The true Basis and Foundation of all Governments, and right of Legislation, is consent of Parties; who may delegate and devolve the use of their own power on one or more Persons, without devesting themselves of the Supreme Dominion thereof. And that common Good is the main end of all Governments. Kings made by the People.

THESE things thus premised, I lay this for an undeniable Truth, as the Basis of all true Government, *viz. That* (Paternal Government excepted, to which within their own private Families Nature hath given a Supreme Power throughout the World, even from the first Creation thereof, and have ever been reputed as Lawful Governors therein) *no Man, nor any number of Men, can have compleat Lawful Power or Authority over any number or Society of Men, but by consent of Men, or by immediate appointment of God*; which position will justifie all subsequent Superstructures; all other Governments being unnatural, violent, and usurped, and therefore unlawful: whereby it is manifest that the whole Right and Power of Government is originally in the *Governed*, who may transfer, and vest as much of their own Power as they please on one or more Governors, without devesting themselves absolutely of the *Supreme Dominion* thereof, which still remains virtually in them, they delegating the *Use only* (not the *Patronage* and *Dominion*) *of their own Power*, for the better Execution, Administration, and Regulation of those Laws which by *common consent* they should make and chuse for the sake of Justice, Peace, Order, and Piety; *Common good* being the *main end* for which Societies and Governments were instituted by God and Man, and without they tend unto that end, they are not perfect. And in all such delegations, *salus populi*, the good of the governed is, and so ought to be the *Supreme Law*, and is always so expressed, or imployed, and so to be undertaken and understood. This is so natural an obligation, that it cannot be dispensed with: And for Governors to procure the good of Commonweals, is but to do their duty: *he that is above all, should be best of all*, for Example prevails more than Law; and *there can be no reason for sin, violence, or oppression.*

Princes, Councils, Love, and Hate,
Must do homage to the Law of State:
The Peoples Safety hath no Mate.

So King *James* of happy Memory in his Speech to the *Parliament* 1603. 'When I 'have done all that I can for you, I do nothing but that which I am bound to do, and 'am accountable to God upon the contrary. For I do acknowledge that the special 'and greatest point of difference that is between a Rightful King and an Usurping Ty-'rant is in this, That whereas the proud and ambitious Tyrant doth think his King-'dom and People are only ordained for satisfaction of his Desires and unreasonable Ap-'petites; the righteous and just King doth by the contrary acknowledge himself to be 'ordained for the procuring of the Wealth and Prosperity of his People, and that his 'greatest and principle Worldly Felicity must consist in their Prosperity. If you be 'rich, I cannot be poor: if you be happy, I cannot but be fortunate: and I protest '*that your Welfare shall ever be my greatest care and contentment*; *and that I am a Servant* '*it is most true*: that as I am Head and Governor of all the People in my Dominions, 'who are my natural Vassals and Subjects, considering them in numbers and distinct 'ranks; so if we will take the whole People as one Body and Mass, then as the Head 'is ordained for the Body, and not the Body for the Head, so must a righteous King 'know himself to be ordained for his People, and not his People for him. For though 'a *King* and *People* be *relata*, yet there can be no King if he want People and Subjects, 'but there be many People in the World that lack a Head; wherefore I will never be 'ashamed to confess it my principal honour to be *the great Servant of the Commonwealth*, 'and ever think the Prosperity thereof to be my greatest Felicity, 494, 495. The rea-son is demonstrable, *viz.* God, not the King, made the People, and those all equally of one and the self-same Mould, but the *People make Kings*; Nature was Father to the Peo-ple, but the People make some of themselves Kings, and are the *rightful Patrons of all* their

their Power, Honours, Priviledges, and Prerogatives; and therefore as *God ordained the Sabbath for man, and not man for the Sabbath*, Mark 2. 27. ſo he ordained *Kings and all other Governors and Governments for Men, and not Men for Kings*. The proſpect and foreſight of the wiſe, That to be governed by one Mans Will might become the cauſe of all Mens miſery, prevailed with them to deviſe and ſubmit unto Laws, wherein all might ſee their Duties, and know the Penalties of tranſgreſſion.

There are that affirm with great confidence, but with [illegible] truth, that Kings receive their Right and Power of Government [illegible] cording to *Prov.* 8. 15. and not from the [illegible] ſer, and *that they are accountable to none but* [illegible] on, the juſt Right of all Politick Power, [illegible] and of Nature, and of Reaſon, *is originally in the Com* [illegible] uſe thereof from them may be transferred and obliged unto whom they [illegible] *cut deveſting themſelves quoad hoc of the Power* [illegible] their Adminiſtrators (for they are no other [illegible] them, who deſigned it, and to whom and to [illegible] countable. If ſuch Aſſertors of the Prerogatives of Kings [illegible] old, when God by his Servants the Prophets anointed Kings by [illegible] the People had recourſe by [illegible] much more might have been [illegible] yet even in thoſe days the People [illegible] far complied with *common conſent*, the deſire of the People [illegible] change of that Government his own Wiſdom had [illegible] jected him and his Government (tho' a Government [illegible] his peculiar People) only becauſe they would have a [illegible] *King over us*, maugre all that *Samuel* could ſay [illegible] as *Solomon was dead, all Iſrael came to Sichem to make* [illegible] *King, who refuſing to be a Servant to them, to ſerve them* [illegible] for ever, *threatning that his little finger ſhould be heavier* [illegible] *would whip them with Scorpions*, &c. they ſoon [illegible] *have we in David? neither have we inheritance in the ſon of* [illegible] *and ſee to thine houſe David*, 1 King. 12. and then [illegible] Rehoboam *the Son of* Solomon.

But ſuch choice being now quite out of doors and impracticable, [illegible] the leaſt pretence of Title from ſuch Nomination; and therefore [illegible] can only be meant the inſtitution of the Office, and not the deſignation of the Perſon, and cannot poſſibly be underſtood any other ways, than that *Regal Government* [illegible] inſtituted, hath, together with other Governments, *the Divine approbation for the juſtification.* And it ſtandeth ſure, *that all Royal Power is radically and virtually in the People, as in the firſt Subject*, which they may confer on this or that Man, with what limitations they pleaſe, *and on condition, that if conditions be not performed, they may reaſſume what Power they intruſted him withal.* And therefore no King can have ſo juſt a Title and ſo juſt Powers, as from the ſuffrages of the People: *all other Governments are but Uſurpations, Tyrannies, and continued Injuries*, of which the People may eaſe themſelves when they have juſt reaſon and a neat opportunity ſo to do, becauſe *their juſt and natural Right is wrongfully invaded*; for, that naturally no ſort of Men have ſufficient lawful Power to command whole politick multitudes of Men, and therefore utterly without the Peoples conſent they ought not to be at any Man's commandment living. This is plain, and natural reaſon, and ought to have the ſtamp of a publick Law. *Laws poſitive are mutable; natural* not ſo: and therefore theſe Laws ought to ſtand unrepealed becauſe they always bind.

The Kings of *Iſrael* and *Judah* were not ſo immediately and abſolutely from God, as that the People were thereby abſolutely excluded from their Right and Power of Electing, and Approving, and Diſowning of them: that had been to deprive them of that Power that God and the Law of Nature had given them, to Covenant and Agree with them before they would admit of them; that had been to wrong the People, and to bind them up from the uſe of their reaſon by Covenanting for their own Happineſs, and againſt Tyranny, in caſe they ſhould break Laws and Covenants ſolemnly made with them by Oath, which cannot be broke without Perjury. *By me Kings reign*, was only an *Index and Declaration* of God's Will and Pleaſure, which doth not take away or deſtroy the Peoples Right or Liberty. *Saul* was not *King* ſo abſolutely and ſo immediately from *God*, that it excluded all Election of the People, but was afterwards

terwards choſen by Lot *by all the People at Mizpeh.* And all the People ſhouted, and ſaid *God ſave the King*, 1 Sam. 10. 17, 24. and afterwards, Behold the King whom *ye have choſen*, Chap. 12. 23.

Did not *all the Elders of Iſrael* Capitulate and Covenant with *David before the Lord in Hebron*, and then, and not till then, anointed him King over *Iſrael?* 1 Chron. 11, 13. All the Men of War came with a perfect Heart to *Hebron*, to make *David* King over all *Iſrael*; *and all the reſt alſo of Iſrael* were of one Heart to make *David* King, *chap.* 12. 38.

Did not *all the People of Judah* take *Azariah* (who was Sixteen years old) and made him *King* inſtead of his Father *Amaziah?* 2 King. 14. 21.

Did not *Jeroboam and all Iſrael* come to *Sechem* to make *Rehoboam* King, *&c.* as before? 2 *King.* 12. 16.

Have not all Nations the ſame undeniable Right to Capitulate and ſet Kings over them, and bind them by their own Laws and Tearms, and by Solemn Oaths?

It is clear, that the *Jews* in their *Sanhedrim Melec*, and other parts of their *Talmud* with the Writers thereon, that it was the Law and Cuſtom of their Kingdom, that their Kings (of the Houſe of *David* eſpecially) were to be judged as well as to judge.

Have not all our *Engliſh* Kings, as well as their Subjects, had *Engliſh* bounds by Laws? (*quas vulgus eligerit.*) Have not our Kings confeſſed and owned, that we are not bound to ſerve them but according to our Laws? And our Allegiance is not Abſolute, but bounded and limited by Law. Nay, the old Oaths in *Saxon*, and firſt in *Norman* times, did reſpect the Kingdom and its common good and profit, to defend the Kingdom with the King. *Sicut Conjurati fratres ad defendendum regnum contra Alienigenas & contra injurias una cum Domino Rege, &c.*

That which is ſaid before concerning the Right of Government, is as juſtly and as undeniably applicable to the Right of *Legiſlation* whereby to Govern; which Power God uncontrolably hath over all the World. And by the Law of Nature, whereunto the whole Race of Mankind is ſubject, the lawful Power of making Laws to command and govern whole Nations, Kingdoms, and Politick Societies of Men, *belongeth ſo properly unto the ſame intire Societies*, that for any Perſon, how Mighty, and of what Degree or Kind ſoever on Earth, to exerciſe the ſame of himſelf; and not either by expreſs Commiſſion immediately and perſonally received from God, (unto which there can be no poſſibility of pretence but by Impudence) or elſe by authority derived by conſent, and ſuffrages of thoſe Nations and Kingdoms on whom they violently impoſe Laws, *it is no better than meer Tyranny. Juſt Laws therefore they are not, which publick approbation by their own conſent hath not made ſo.* For what Princes or Potentates ſoever, Govern they never ſo wiſely, and with never ſo good intent and deſign, with never ſo good ſucceſs, yet nevertheleſs they tranſgreſs both *divine and human Laws* if they have not the publick Sanction and Stamp of the governed for their right of Governing them.

The Will, Pleaſure, and Commands of God, are the only perpetual and immutable Rule of Juſtice, to which all Men, without exceptions, ought to ſubmit and obey abſolutely. The Commands of Princes (though his Vice-gerents) are to be obeyed only on conditions, *viz.* ſo that they command nothing that is ſinful, or contrary to the Law of God, or Nature, or municipal Laws of the Country. Princes that require ſuch Obedience to their Commands, do, as much as in them lieth, make their Thrones equal to the Throne of the Almighty, *who never hath given, nor never will, his glory to another*, Iſaiah 48. 1.

The command of *Pharaoh, to ſlay the Hebrew children*, Exod. 1. 21. was unjuſt, and God bleſſed the *Midwives* that refuſed to obey it. So *God bleſſed Daniel* and the reſt that refuſed to fall down and worſhip *Nebuchadnezar's prodigious Idol.* So *Abdias* refuſed to ſlay the Prophets, *contrary to the command of Jezabel*: but on the contrary, *hid them from her fury, and nouriſhed them*, 1 King. 18. 13. So *Mattathias* oppoſed and *reſiſted Antiochus* commanding Sacrifices to be offered to Idols. So *Chriſt*, and after him the *Apoſtles, preached the Goſpel publickly and privately, contrary to all commands of Ceſars, chief Prieſts, and Scribes* alledging for their Juſtification, *Acts* 5. 22. Whoſe examples the holy Marters followed.

The *Authority of all Magiſtrates*, be it never ſo great, is bounded and circumſcribed by *God himſelf by Piety and Charity*: and if they trangreſs thoſe Rules, the 5. of *Acts* 22. takes place: leſt we be found in the company of thoſe mentioned, *Mich.* 6. 16. *whom God curſed, for that they obeyed the wicked commands of Kings.*

CHAP

CHAP. IV.

Examination of ſome different Opinions. Kings, though nominated by God, yet had their Confirmation by the People on their own termes; and have a juſt right to chuſe or reject, to limit and bound them.

HAving thus demonſtrated the abſolute neceſſity and profitableneſs of Government, the final end and efficient cauſe, and juſt right thereof, where, and in whom veſted; wherein I have not uſed cunningly deviſed *Sophiſmes*, or *Paralogiſmes* (according to the cuſtom of ſome *Prieſts* and *Jeſuits*) but plain demonſtration of Truth according to the Law of God, of Nature, and of Reaſon: neither am I ſingular in theſe Poſitions, and Fundamental Baſis, and right of all juſt Dominion, but have followed herein Judicious *Hooker*, that *Engliſh* Oracle, and *Padre Paolo* that Oracle of *Venice*, and divers others: And whoever will peruſe the Collection of the Authors made by *Goldaſtus*, or the *Avant-Propoſdes Lettres & Embaſſade de Meſſire, Philipe Canay Seigneur de Freſne*, wherein are the Names and Titles of 145 Tracts, wherein you ſhall find divers good Authors of the judgment, back'd with ſound Reaſons for ſuch Poſitions. But becauſe nothing can be ſo adviſedly, ſo carefully, ſo punctually written, as to eſcape the contradictions of ſubtle prevaricating and perverſe wits, I have thought it liberty to examine the different Opinions of ſome others, and thoſe not few to number; but ſhall not clog this Paper with many Names, it's enough to name their Opinions, *viz.* It's certain *that Kings have their Power from none but God*: boldly ſaid, but not to be juſtified by any Law of God, of Nature, or of Reaſon, it is pure *Tyrannical Doctrine*, and diametrically oppoſite to thoſe who affirm, *That all Political Power by the Laws of God and Nature, is immediately in the Multitudes, as in its proper ſubject, and can confer the ſame on one or more, by the ſame Laws of God and Nature*: The Reaſon they give, is, Obj. *That by Natures Law no Man can give that which he hath not. But every man hath juſt power of his own Life and Death, or Members, therefore multitudes of men cannot, and therefore the People cannot eſtabliſh Government, becauſe they have no power of their own Life or Death, no not of their own, and therefore cannot confer any ſuch power on others. God only, who gives Life, hath that Power, and they to whom he gives it.* Sol. No more have Kings without ſome lawful Power conferred on them ſo to do; which they cannot have immediately from God, and therefore muſt have it *aliunde*, viz. *from and by conſent of others.* Hence that Command, *Thou ſhalt not kill*, Exod. 20. 13. *whoſo ſheds Mans blood, by Man ſhall his blood be ſhed. At the hand of every beaſt will I require it, and at the hand of man, at the hand of every man's brother will I require the life of man*, Gen. 9. 5, 6. *Thou ſhalt not kill, is the general Precept of God and Nature, and obligeth Kings as fully as private Men. And whoſo ſheddeth mans blood, by man ſhall his blood be ſhed*; by whom? Is, *by the Magiſtrates*, whoſe Power is here eſtabliſhed for ſheding the Blood of all wilful Murderers: as the *Chaldee* expreſſeth it, ſaying, *With Witneſſes, by Sentence of the Judges, ſhall his Blood be ſhed*; which was one of the *Seven Commandments given to the Sons of* Noah, which is confirmed by the more particular Laws and Judgments eſtabliſhed by God himſelf, *Numb.* 25. 9. 34. *The manſlayer ſhall not die, until he ſtand before the* Congregation (not before the King) *in judgment*, ver. 13. *And the Congregation* (not the King) *ſhall deliver the ſlayer out of the hand of the revenger of blood, and the* Congregation (not the King) *ſhall reſtore him to the city of his refuge*, &c. By which it manifeſtly appears, That the *Avenger of Blood*, i. e. *the Magiſtrate* appointed for that purpoſe was to be governed by the Congregation. Here not a word for the Kings in the caſe, but much for the governed.

In ſumm, Though no particular Man, Kings, or others, have Power to deſtroy themſelves and be guiltleſs, *yet the whole People, the Congregation of the governed, by the Laws of God and Nature, have a juſt right to make Sanguinary Laws* (obſerving God's Precepts) *to take away any of their own lives, if tranſgreſſors: And Kings have no more, nor other juſt Right to take away the Life of any Man, but what is deligated to them by publick Conſent of the governed*, expreſſed in their Laws: if otherwiſe, if they will violently offer to take away the life of any private Man, *then reſiſtance may by the Law of Nature be made by force. Two ſtriving together cannot both have juſt Right; but of neceſſity, that muſt be that uſeth force, do it lawfully, the defence muſt be unlawful: and where the force is unlawful, the defence muſt needs be lawful*: And *vim vi repellere*, is always to be *underſtood of that force*,

which

which is unjuſtly uſed. He that doth violence to the life of a man, by man ſhall his blood be ſhed, Gen. 9. 6. Lawful power of Life and Death, Kings cannot now perſonally and immediately have from God, and therefore muſt have it from, and by conſent of the governed.

And what Powers Kings thus have, the ſame have all other Forms of Government: Therefore it is eaſily granted, that Men having no ſuch Power, cannot transfer any ſuch, and that they that do are but *felones de ſe*, and ſin as much as they that fall on the points of their own Swords; for that which is not permitted to us to do againſt our ſelves, we cannot juſtly commit to others to do: ſo that upon the whole matter *it is the Law that hath the power of Life and Death, to which both Governors and Governed are alike ſubject.* And they that live under another Government, as moſt Heathens do, do not live, but languiſh, dwinder, and pine away. When the *People of Iſrael* were governed *by Judges* about Four hundred and fifty years together, there was no King then, yet the Laws againſt Murder, *&c.* were put in execution then; and why is it not as lawful now, as then, for any Form of Government (be it *Ariſtocracy, Democracy*, or any other Form whatſoever) to execute the Laws (not contradicting the Laws of God and Nature) made by common conſent? And without all doubt, thoſe Kings ſit ſureſt on their Thrones, and ſerve God and their Subjects beſt, that ſo Reign, and ſo Govern by conſent of the People. So *Jepthah by conſent of the elders of Iſrael, was made their head by covenant: and the Lord was choſe witneſs between them*, Judg. 11. 6, 7, 8, 9, 10. And ſo is God ſtill Witneſs to this day between Kings and their People when they Reciprocally Swear to conditions: ſo *the elders of the tribe of Judah anointed David King over the houſe of Judah*, 2 Sam. 2. 4. which ſhewed their conſent, power and intereſt, though ſet over them by God's own appointment.

So *Saul*, whom God did chuſe, yet he ſent him *to all the People* to have their conſent and approbation, which they unanimouſly teſtified and declared by their general ſhooting, and crying *God ſave the King*, 1 Sam. 10. 24. *And all the people made Saul King before the Lord in Gilgal*, chap. 11. 15. whereby it is manifeſtly apparent that *common conſent hath the approbation of God himſelf, the Judg of all the Earth*, and that therewith he is very well pleaſed. So when the *Elders of Iſrael* came to *Samuel to Ramah*, 1 Sam. 8. 4, 6. when he was old and not like to live long, and his Sons not walking in his ways, and conſequently not likely to Govern as they ought; they deſired him to *make them a King to judg them like all the Nations.* Which thing not only diſpleaſed *Samuel*, but even *God himſelf*; for that they refuſed to be governed by God himſelf, who had delivered them out of the hand of their Enemies on every ſide; ſo that they dwelt ſafely under that Government that God had erected and eſtabliſhed: and though *Samuel* had told them, that the cuſtom and manner of thoſe Kings of Nations (Heathens, and who lived without God in the World, whoſe Government they were ſo fond off) was, *to take their ſons and appoint them for themſelves, for their chariots, to be their horſe-men, and to run before their chariots: And would appoint them captains over thouſands, and over fifties, and will ſet them to ear their grounds, and to reap their harveſt, to make inſtruments of war, and of his chariots. And would take their daughters to be confectioners, cooks, and bakers: and would take their fields, vineyards, and olive-yards, even the beſt of them, and give them to their ſervants: And would take their men ſervants, and their maid ſervants, and their goodlieſt young men, and their aſſes, and put them to his work: and would take the tenth of their ſheep*, &c. 1 *Sam.* 8. contrary to the Precepts God had preſcribed for Kings to Govern by, *Deut.* 17. 14, 15, 16, 17, 18, 19. A Government very ill becoming and befitting God's own People and Inheritance. But no ſooner had they experimented their new-fancied Governments, but they were as ſoon weary of it, and then perceived and confeſſed, *that their wickedneſs was great that they had done in the ſight of the Lord in asking a King*, and beſought *Samuel* to pray for them, *that they might not dye, for that they added to all their ſins the great evil to ask a King*, 1 Sam. 12. Of ſuch eſteem and prevalency is *Publick Conſent*, with God himſelf, that he waved his own Omnipotent Prerogative, to gratifie a rebellious and ungrateful Nation, in granting them their deſire. A Document to all Kings to hearken unto the publick deſires of their People: And alſo to conſider, that it was a Crime and a Wickedneſs in thoſe days to ſet up Kingly Government.

Since the Days of the *Prophets* (*which were until* John, *Luke* 16. 16.) It is manifeſt that God hath devolved the Right of chuſing Kings on the People. 1. By his own Precept, *Deut.* 17. 14, 15, 16, 17. with Inſtructions whom they ſhall, and whom they ſhall not chuſe, *viz. one from among the brethren ſhalt thou ſet King over thee: thou mayeſt not ſet a ſtranger over thee, which is not thy brother.* 2. By the conſtant practice of the

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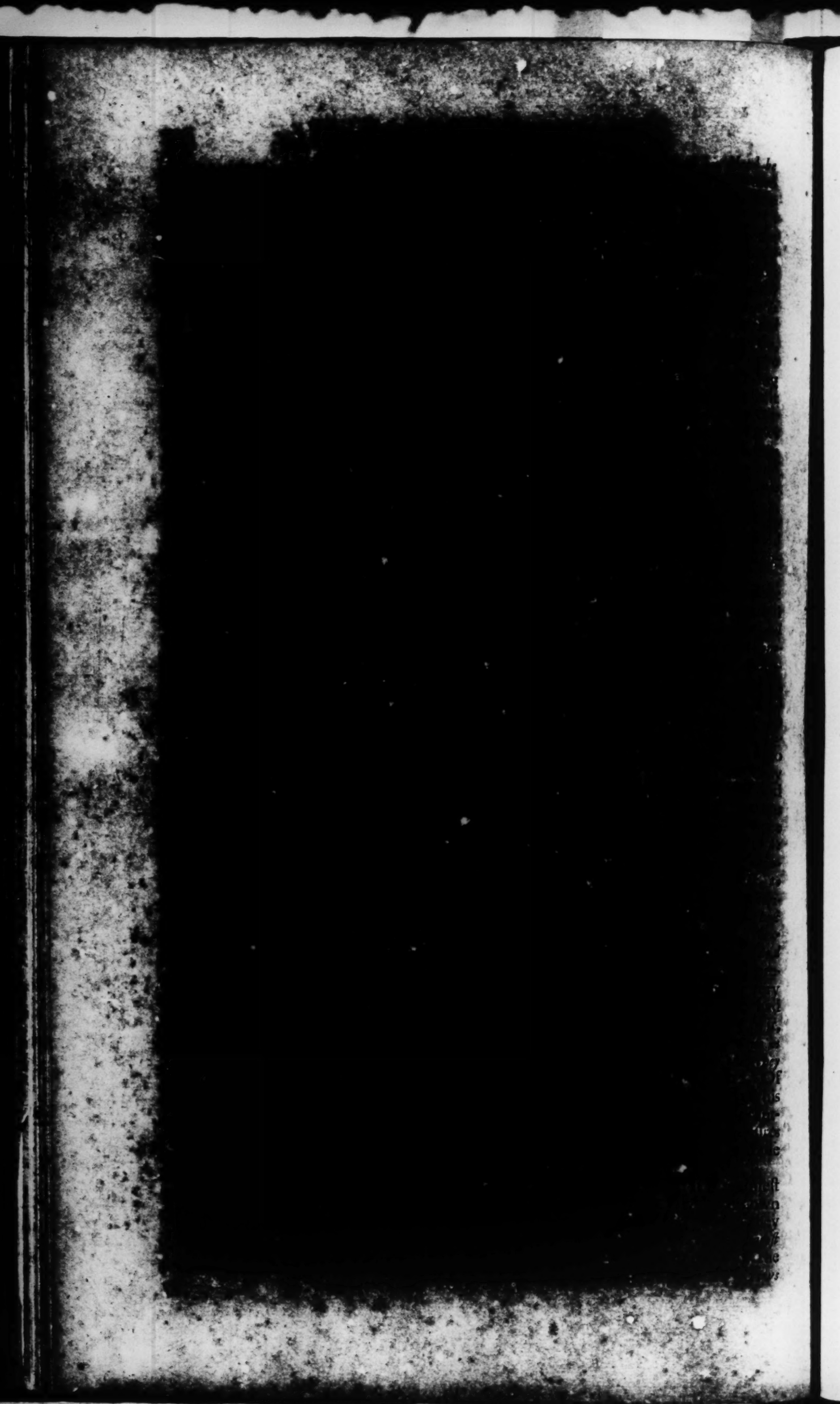
Jews under the Prophets, and since. And not without this moral reason, That one from among themselves being by their *consent and suffrages set King over them*, that what Authority soever they grant unto Kings, they may acknowledge to have had it from the People; and therefore obliged more readily to imploy all their times, studies, strengths, and endeavours for the good of them, who set them over themselves to take the burden of the Government upon their Shoulders: and therefore they consent to pay them all Honour, allow them great Priviledges and Prerogatives, and give them Munificent Tributes and Maintainance for the Support of them and the Government; and swearing Allegiance unto their Kings, and the Kings swearing unto the People, to keep Faith with them in the due performance and execution of the Laws already made, and to be made.

The reason formerly set down doth warrant this, *viz. No Man hath or can have any lawful Power to Govern Kingdoms and States, but he must have it either immediately from God himself* (which no Man now can possibly pretend unto) *or by consent of the Peoples.*

The *Elders of Israel* being the *representative* (1 Sam. 10. 19.) of the whole Kingdom, (for by that name are generally meant *Centurions, Captains, Judges, Princes of all the Tribes of* Israel, &c.) *came to Samuel in Ramah, desiring a King to go in and out before them like the Nations*; at whose instance *Samuel did anoint Saul to be their King*: neverless, *Samuel* (that *Saul* might know that he was chosen by the *People*) called all the *People together in Mizpeh*, by their Tribes, and by their Thousands, where (as if the former Election and Anointing had been insignificant) they *cast lots, which fell upon the Tribe of Benjamin, and Saul the Son of Kish was taken*, and all the People shouted, and said, *God save the King*, 1 Sam. 10. 17, &c. All which was done at the *Peoples instance*: And lest the Election of the King should be attributed wholly to the chance of Lots, *all the People*, by the advice of *Samuel* (some few grumbling Dissenters excepted, having said, *Shall Saul reign over us?* 1 Sam. 11. 13.) *went to Gilgal and renewed the Kingdom there, and made Saul King before the Lord in Gilgal*, ver. 14. 15. Which manifests, that though *Saul* was chosen by *God himself*, and also *by Lot*, yet was constituted, confirmed, and approved by the *suffrages of the People*. God indeed (before ever there was a King in *Israel*) knowing that they would reject him, and foolishly desire *a King like all the Nations round about them*, prescribed Rules and Laws whereby they ought to Govern, *Deut.* 17.

So *David*: *Samuel* (*Saul* being rejected by God from Reigning over *Israel*) *by God's command anointed David of Bethlem, whom God had chosen King over Israel.* Did *David* therefore Reign though so chosen by God himself, and anointed by his own command? No, sure! he was so far from it, that he avoided the presence of *Saul*, hiding himself from him, and arming himself with the *Sword of Goliah*, and armed Men, against the evil designs which *Saul* had against him, and fled from him, wandring up and down, and became as it were an exiled and Out lawed Person, and *was not King till Saul was dead*, nor then neither, until *all the People of Judah first chose him King of Judah by their suffrages: And seven years after all the Tribes of Israel, and all the Elders of Israel came to Hebron, and made a Covenant with him before the Lord: and then they anointed David King over Israel*, 1 Sam. 16. 13. 1 Chron. 11. 3. 2 Sam. 5. 3. Besides, if *Samuel's* first anointing of *David King*, had formerly made him *King*, then either *Saul* was thereby deposed, or else there were *two Kings of Israel* at one time (which is monstrous to conceive; for, according to their Doctrine, Kings have no Royal Power from the People:) but it is manifest *David was not King*, for that after his being so anointed, he often called *Saul, the Lord's anointed*, and that by the Inspiration of God's Spirit. Moreover, he neither challenged, nor executed any Royal Authority till he was *crowned King by all Israel at Hebron*, but was persecuted and hunted as a Partridge on the Mountains, and that as *a Rebel to Saul* (of which he acquitted himself, when he had the Life of *Saul* in his power, and yet would not take it) which he justly might have done had he been really King; and it had been a crime in him, being King, not to have executed his Royal Authority, in doing Justice and Judgment, by cutting off *Saul a murtherer, who killed the Priests of the Lord*; especially seeing *Saul*, according to such doctrine, must be but a *private murtherer*, and *David the only lawful King*. Whereby it is apparent, that not *Samuel's Oil*, but *the consent and suffrages of the People, that made both Saul and David Kings*. Whereby it is apparent, that though *God* appointed *David* to be their King, yet not so Absolute, but that *he should be under and subject to agreements with his People*, and make a Covenant with them on tearms, to which he should be obliged to perform with them, as they with him: and this *before the Lord*;



Jews under the Prophets, and ſince. And not without this moral reaſon, That one from among themſelves being by their *conſent and ſuffrages ſet King over them*, that what Authority ſoever they grant unto Kings, they may acknowledge to have had it from the People; and therefore obliged more readily to imploy all their times, ſtudies, ſtrengths, and endeavours for the good of them, who ſet them over themſelves to take the burden of the Government upon their Shoulders: and therefore they conſent to pay them all Honour, allow them great Priviledges and Prerogatives, and give them Munificent Tributes and Maintainance for the Support of them and the Government; and ſwearing Allegiance unto their Kings, and the Kings ſwearing unto the People, to keep Faith with them in the due performance and execution of the Laws already made, and to be made.

The reaſon formerly ſet down doth warrant this, *viz. No Man hath or can have any lawful Power to Govern Kingdoms and States, but he muſt have it either immediately from God himſelf* (which no Man now can poſſibly pretend unto) *or by conſent of the Parties.*

The *Elders of Iſrael* being the *repreſentative* (1 Sam. 10. 19.) of the whole Kingdom, (for by that name are generally meant *Centurions, Captains, Judges, Princes of all the Tribes of* Iſrael, *&c.*) *came to Samuel in Ramah, deſiring a King to go in and out before them like the Nations*; at whoſe inſtance *Samuel did anoint Saul to be their King*: neverleſs, *Samuel* (that *Saul* might know that he was choſen by the *People*) called all the *People together in Mizpeh*, by their Tribes, and by their Thouſands, where (as if the former Election and Anointing had been inſignificant) they *caſt lots, which fell upon the Tribe of Benjamin, and Saul the Son of Kiſh was taken*, and all the People ſhouted, and ſaid, *God ſave the King*, 1 Sam. 10. 17, &c. All which was done at the *Peoples inſtance*: And leſt the Election of the King ſhould be attributed wholly to the chance of Lots, *all the People*, by the advice of *Samuel* (ſome few grumbling Diſſenters excepted, having ſaid, *Shall Saul reign over us?* 1 Sam. 11. 13.) *went to Gilgal and renewed the Kingdom there, and made Saul King before the Lord in Gilgal*, ver. 14. 15. Which manifeſts, that though *Saul* was choſen by *God himſelf*, and alſo *by Lot*, yet was conſtituted, confirmed, and approved by the *ſuffrages of the People*. God indeed (before ever there was a King in *Iſrael*) knowing that they would reject him, and fooliſhly deſire *a King like all the Nations round about them*, preſcribed Rules and Laws whereby they ought to Govern, *Deut.* 17.

So *David*: *Samuel* (*Saul* being rejected by God from Reigning over *Iſrael*) *by God's command anointed David at Bethlem, whom God had choſen King over Iſrael.* Did *David* therefore Reign, though ſo choſen by God himſelf, and anointed by his own command? No, ſure! he was ſo far from it, that he avoided the preſence of *Saul*, hiding himſelf from him, and arming himſelf with the *Sword of Goliah*, and armed Men, againſt the evil deſigns which *Saul* had againſt him, and fled from him, wandring up and down, and became as it were an exiled and Out-lawed Perſon, and *was not King till Saul was dead*, nor then neither, until *all the People of Judah firſt choſe him King of Judah by their ſuffrages: And ſeven years after all the Tribes of Iſrael, and all the Elders of Iſrael came to Hebron, and made a Covenant with him before the Lord: and then they anointed David King over Iſrael*, 1 Sam. 16. 13. 1 Chron. 11. 3. 2 Sam. 5. 3. Beſides, if *Samuel's* firſt anointing of *David King*, had formerly made him *King*, then either *Saul* was thereby depoſed, or elſe there were *two Kings of Iſrael* at one time (which is monſtrous to conceive; for, according to their Doctrine, Kings have no Royal Power from the People:) but it is manifeſt *David was not King*, for that after his being ſo anointed, he often called *Saul, the Lord's anointed*; and that by the Inſpiration of God's Spirit. Moreover, he neither challenged, nor executed any Royal Authority till he was *crowned King by all Iſrael at Hebron*, but was perſecuted and hunted as a Partridge on the Mountains, and that as *a Rebel to Saul* (of which he acquitted himſelf, when he had the Life of *Saul* in his power, and yet would not take it) which he juſtly might have done had he been really King; and it had been a crime in him, being King, not to have executed his Royal Authority, in doing Juſtice and Judgment, by cutting off *Saul a murtherer, who killed the Prieſts of the Lord*; eſpecially ſeeing *Saul*, according to ſuch doctrine, muſt be but a *private murtherer*, and *David the only lawful King*. Whereby it is apparent, that not *Samuel's Oil*, but *the conſent and ſuffrages of the People, that made both Saul and David Kings.* Whereby it is apparent, that though *God* appointed *David* to be their King, yet not ſo Abſolute, but that *he ſhould be under and ſubject to agreements with his People*, and make a Covenant with them on tearms, to which he ſhould be obliged to perform with them, as they with him: and this *before the Lord*;

by which Covenant he was obliged to keep within the Boundaries which God and the People had ſet. So *David was twice anointed.* 1. By the Prophets by God's command in token of his Election. 2. By the inſtance and ſuffrages of the People in Confirmation of his being conſtituted King by them, 2 *Sam.* 4. 11. & 5. 13. So it is true, that *by God Kings Reign,* yet ſo as not without the *Peoples Conſent, Approbation,* and *Covenants firſt had,* that he may Reign over them for their good. Beſides Kings receive not their Kingſhip immediately from God, nor *the Sword,* becauſe the *People were firſt girt with the Sword.* Moreover will any Chriſtian ſay that the Kings of Nations (who lived without God in the World) did Rule and Reign by Gods immediate appointment? I trow not.

The like is obſervable in Conſtituting *Solomon King,* who, though *David's* Son, and God choſe him to ſit upon his Fathers Throne, and to be a Father unto him as he had promiſed *David,* 2. Sam. 7. 13, 14, 15. And though *David* had promiſed his People that *Solomon* ſhould ſucceed him, and ſit upon his Throne, yet this was not ſufficient; and therefore *David aſſembled all the Princes of Iſrael, and the princes of the Tribes, and the captains of the companies, and captains over the thouſands, and the ſtewards over all the ſubſtance of the poſſeſſion of the King, and of his Sons, with the officers, and with the mighty men, and with all the valiant men which bear any publick office,* and as it were the *repreſentative of all Iſrael*; and conſequently had a *ſhare in the Government, and in the Election, unto Jeruſalem.* This great *congregation made Solomon the Son of David King the ſecond time, and anointed him unto the Lord to be chief Governour, and Zadock to be Prieſt,* 1 Chron. 28. 1. & 29. 22, 24.

Solomon being dead *all Iſrael came to Sechem to make Rehoboam King,* 1 Kings 12. 11. 2 Chron. 10. 1. *Amaziah being ſlain, Uzziah his only Son was made King by all the people,* 2 Chron. 26. 1. To what tended that ſaying of *Huſhai* unto *Abſalom,* nay, but whom *the Lord and this people, and all the men of Iſrael chuſe, his will I be, and with him will I abide,* 2 Sam. 16. 18. but to demonſtrate that that *King* is rightly and lawfully *conſtituted King whom the People chuſe? And all the men of Sechem gathered together, and all the houſe of Millo went and made Abimelech King,* Judg. 9. 6. *And he that was over the houſe, and he that was over the city, the elders alſo, and bringers up of the children, ſent to Jehu,* ſaying, *We are thy ſervants, and will do all that thou ſhalt bid us, we will not make any King: do thou that which is good in thine eyes,* 2 Kings 10. 5. *And all theſe men of war, that could keep rank, came with a perfect heart to Hebron, to make David King over all Iſrael: and all the reſt alſo of Iſrael were of one heart to make David King,* 1 Chron. 12. 28. Several times the making of a King is aſcribed and given to the People, *viz.* Wherefore is it recorded, *Deut.* 17. 14. *when thou ſhalt ſay, I will ſet a King over me,* if it were not *their Right* and Power to make a *King?* and without ſuch Power, no Law could be impoſed on them. Not to make a ſtranger King, and yet to chuſe one of their Brethren, is certainly a warrant from Heaven to chuſe, beyond contradiction. *All the congregation made Jeroboam King over Iſrael,* 1 Kings 12. 20. So they have power both to make and not to make a King over themſelves; and alſo to limit and bound their Kings to what conditions they pleaſe, *or elſe to fall from them, as the people of Iſrael did from Reboboam, and chuſe another,* 1 Kings 12. 19. Nor was *Saul* himſelf formerly *King* as ſoon as *Samuel* had anointed him, nor yet becauſe another Spirit was infuſed in him, *no, not until all Iſrael choſe him King at Mizpeh. Jehoaſh and Jehoiada made a covenant between the Lord, and the king, and the people, that they ſhould be the Lord's people; and between the king alſo and the people,* 2 Chron. 23. 16.

By all which it appears, that though *Kings* were ſo conſtituted and influenced by the Prophets from God himſelf, yet not ſo abſolutely as to exclude common conſent, *but that they were to be under Covenants and Agreements with the People,* whereunto they were equally, ſtrictly, and reciprocally obliged to performance: and that their juſt right of admitting Governors over them was reſerved unto them upon their own Tearms and Conditions; even then, and certainly much more now: ſeeing God doth not now immediately interpoſe in any ſuch choice, the ſame right by the Law of God and Nature is ſo undeniably in them, that it cannot be denied unto them. And all Kings Governing otherwiſe than by the conſent of the People, are but *Intruders, Uſurpers,* and *Tyrants.* And whoever violates thoſe Covenants, in a high degree, are undoubtedly *Rebels to the Law*; and *whoever commits any unjuſt force againſt the Law, the defence muſt neceſſarily be juſt and warrantable before God and Man.*

Conſult prophane Hiſtories, and it will be found the Power and Liberty of the People is aſſerted and defended, and practiſed accordingly, even among the Heathens: And in all well-governed Kingdoms, *the Children did not ſucceed their Parents, until the*

People

People by their Magiſtrates had de novo *inveſted them by the Diamond and Scepter.* In Chriſtian Kingdoms which to this day Reign by ſucceſſion, the ſame is evident. The *Kings* of *France*, *Spain*, &c. are all Inaugurated and Crowned by the *Peers*, *Patritians*, *and Magiſtrates* (repreſentatives of the Kingdom) no otherwiſe than the *Emperors* of *Germany* are by the *Princes Electors thereof*, and the *Kings* of *Poland* by the *Vayvodes or Palatines.* Neither is their Kingly Honour owned in the free Cities till ſo Crowned, Conſtituted, and Confirmed; neither was the time of their Reign computed but from the *day of their Inauguration*; which manifeſtly appears in the Kingdom of *France*, and other Kingdoms, where the States often preferred a Kinſman before a Son, a younger Son before an elder: which Kingdom, by the *Authority of the People*, was tranſlated from one to another without regard had to the right Heir.

As to the *Franks*, before they came into *France*, it's manifeſt that their petty Kings were ſubject to the *Ordines Populi*, as *Julius Cæſar* teſtifieth, *lib.* 5. *c.* 8. *f.* 57. *De bello Gallico.* Whilſt *Ambiorix & Catileucus Eburonum rex*, (i e. King of a People inhabiting between the *Rhyne* and the *Moſe*, the People of *Leige* or *Luke* beyond *Brabant*) in a certain Oration rehearſing the words, ſaith, *That ſuch is his Empire, that the People have not leſs right againſt and over him, than he over them.* Ut non minus in ſe juris multitudo, quam ipſe in multitudinem. The ſame alſo appears by the words of *Vercingentorix Arvernorum Rex* (a People of *France* by the River of *Loyer*) defending his Cauſe in a publick Aſſembly, as it is recorded by the ſame, *Cæſar lib.* 7. *c.* 4.

Afterwards the *Franks* and the *Gauls* became one, under the name of *Franco-Galli*; who, although they *choſe their Kings* firſt out of the Family of *Merovey*, then out of the Poſterity of *Charles the Great*, and after out of the Succeſſors of *Hugh Capet*, yet from the beginning they ſo conſtituted their *Monarchy*, that their Kings did not Reign only by the right of Succeſſion, but were alſo choſen *Conſenſu Ordinum Regni.*

And ſuch was the Oath of the *Franco Galli* Kings, according to *Aymoinus*, lib. 5. c. 23. which *Charles* the *Bald* ſpoke, *Quia ſicut iſti venerabiles Epiſcopi, &c.*

'Becauſe you venerable Biſhops have proclaimed me choſen to the Government for 'your ſafety and profit, know ye that I will preſerve the Honour and Worſhip of 'God, and of holy Church, and of every one of you according to your Ranks and 'Qualities, and according to my Knowledge and Power will honour and keep ſafe; 'And to every one, both Clergy and Laiety, preſerve and maintain Law and Juſtice, 'that Kingly Honour and Obedience of the People may be preſerved and defended, 'as your Fore-fathers did to my Predeceſſors, juſtly and faithfully.

And ſo the Sons of *Pepin*, *Charles the Great*, anno 751. *Lewis the Third*, and *Carloman*, anno 768. Baſtards to *Lewis*, and no regard had to the Inſtitution of *Lewis's Will*, who had named *Endes* for *Regent*, and ſo were both Crowned Kings. *Lewis the Idle*, Son or Brother to *Carloman*, *takes upon him to be King*, but not being acknowledged by the States, as they were ready to diſpoſſeſs him, he died. *Charles* the Second, called *the Groſs*, *Emperor of Germany*, confirmed in the Regency by the States, following the example of the Baſtards, is *Crowned King*, and afterwards was *degraded* from the Empire and the Crown. *Charles the Simple*, after Twenty two years, was forced to *renounce his Crown*, though a *lawful King*. *Lewis the Fourth*, his Son, carried into *England* by his Mother, *&c.* And *Ralf* or *Raoul*, *Duke of Burgundy*, called to the Crown, though an Uſurper; after whoſe death the ſaid *Lewis the Fourth*, called *Doutremer*, *is reſtored to the Crown.* *Lewis the Pious*, though the Son of *Charles the Great*, yet was elected, *anno* 812. in whoſe *Will* (extant in *Naucler*) *Charles the Great* beſought the *People* that they would chuſe one of his Nephews, which they pleaſed, by the *publick Council of the Kingdom*, and commanded his Uncles, by the *publick decree of his People*, to acquieſce. Hence *Carolus Calvus*, *Charles the Bald*, a Nephew by *Lodovicus Pius* and *Juditha*, confeſſeth himſelf *choſen King.* *Aymoinus Hiſtoriogr.* 85.

From the *Merovingiens* (being Twenty two Kings) of the *Merovees*, to the *Garlovingiens* by *Charles Martel*, *Major of the Palace* in name, but King in effect, of which Race there have been Thirteen Kings, then the Crown came to the *Capets*. In the choice of *Pharamond*, *firſt King of France*, after many Harangues *pro* and *con* about all kinds of Government, at laſt they reſolved on Kingly Government, as the beſt ſort of Government, then the *Lords*, *Peers*, *Magiſtrates*, *and chief Captains*, *as Repreſentatives of all the People*, choſe him King, and was Inaugurated or Crowned by ſetting him on a great Shield or Target and carrying him into the Field; where alſo both the common Soldiers in Arms and the People were aſſembled, who confirmed and approved the choice by their Acclamations about the Year 419 or 420. And then they did Swear to the King to keep Faith and Allegiance, to Honour, Serve, Maintain, and Defend

ſend him againſt his Enemies, *but on condition that he be Religious, Valiant, Juſt, Merciful, Impartial, Diligent, underſtanding in management of Affairs, skilful to reſiſt their Enemies, to puniſh Evil doers, and to preſerve the Good, and to defend the Chriſtian Faith likewiſe.* This *Mutual and Reciprocal Swearing and Covenanting*, equally obligatory on both ſides, was the Cuſtom from *Pharamond* to *Pepin*: and afterwards in the Race of the *Carliens*, deſcended of *Pepin*, the *French* of their own free will chuſing their Kings, the Crown in thoſe Days not deſcending Hereditarily. If at any time the Crown came to the Son, or Brother did ſucceed the Father or Brother, it was not by any right of Inheritance or Succeſſion (to which they could not poſſibly have any right or pretence by any Law of God or Nature, that wholly depending on *conſent of Parties* to be governed) but only through the affection which the *French* did bear to the memory of the good King deceaſed.

After *Pharamond* they choſe one *Daniel* a Monk, whom they ſirnamed *Chilperick*, whom for his *Debauchery they baniſhed*, and choſe one *Gillon* or *Gilles*, a *Roman Senator* or Maſter of the *Roman Militia*, for their King; who Governing as ill as *Chilperick*, they ſent and intreated *Sigibert*, *King of Metz*, to take the Crown of *France*, and *Crowned him.*

Les Burguignons and *les Auſtraſiens* having made Peace with the other *French*, *choſe* Clotaire *for their King* in all the Three Kingdoms, and afterwards *choſe* Childerick *King of* Auſtraſie; who delaying to come, they choſe one *Odon*. After the deceaſe of *Dagobert*, his Son *Clovis* being young, they *choſe him*: after his deceaſe they *choſe his Son Clotaire* King; who dying Four years after, they choſe *Thyerre* his Brother, whom they afterwards *depoſed*, and choſe *Childerick* in his room. Hiſtories are full of the like examples in other Kingdoms.

Afterwards in the Poſterity of *Pepin*, who having been Ten years Maſter of the Palace to *Childerick*, a weak Prince, ſet up for himſelf, and by his Power and Artifices, by the help of Pope *Zachary* his ghoſtly Father, diſpenſing with the Oath of Allegiance, which the People had Sworn to *Childerick*, the laſt King of the Race of *Clovis*, whom the People cauſed to be put into a Monaſtery. And after the death of *Pepin*, the *French* by *common conſent* choſe *Charles* and *Carloman* his Son for their *King*, with a charge that they did equally part and ſhare the Kingdom between them.

At the end of the Race of *Pepin*, *Lewis* King of the *Francs* being dead, they being willing to transfer the Kingdom to *Charles* King of *Auſtraſie*; or, according to others, Duke of *Lorrain*: but whilſt he deferred his coming, *Hugh Capit* took poſſeſſion of the Crown. It is alſo evident in Story that one Kings Son hath been rejected, and another inthroned. For the *French* not being pleaſed with the Infancy and Weakneſs of *Charles*, Son of *Loys de Begue*, about Nine or Ten years old, choſe for their King *Odon*, Son of *Robert Saxon*, which was killed by the *Normans* in Battel; and that Two years after, they being diſpleaſed with the Government of *Odon*, they diſcharged him of the Government, and ſet up *Charles* again, who misbehaving himſelf was impriſoned; and they put in his place *Raoul* King of *Bourgongue*: by which examples it is apparent the Kings of *France* were Elective, not Hereditary. But after they obtained Hereditary Poſſeſſion of the Crown, the Cuſtom of the *Election by the People* (which had laſted long) being laid aſide, the *Kings were Crowned and Choſen at* Rhemes *by the Peers of* France, *in the name of the Church, of the Nobles, and of the People.* Bernard de Gerard. Sieur Mezeray. Jean de Serres.

In ſumm, *All Kings were at firſt Elected and Choſen by the People*: and though now many ſucceed by Inheritance, as by much the better way, yet that way alſo is Conſtituted, Approved, and Confirmed *by the People or their Repreſentatives.* No Kings drop out of the Clouds, neither do they ſtart out of the Earth; though the *People chuſe the Root*, yet do they not ſo abſolutely chuſe the Stems or Branch, but if they do degenerate, they in Prudence and Juſtice *may make a better choice.* The Heirs of ſuch Roots are not ſo much born Kings as adopted ſo, not ſo much Kings as fair Candidates for Crowns. *Preſumptive Kings* only where Succeſſion is not ſettled by Laws made by publick conſent.

CHAP. V.

Some Opinions of Hobs's, Machiavil, Pulpits, *and others, examined. The Peoples Power aſſerted in chuſing, refuſing, and rejecting Kings, according as they did or did not obſerve Laws and Covenants. Covenants equally oblige. If broken by one, the other is thereby ſet free. Uſages and Cuſtoms of other Nations. Sad examples of Perjury.*

IT is true that *Machiavil*, *Hobs*, the *Pulpits*, and others do inculcate, That *Kingly Power is ſo founded by God immediately, that there remaineth nothing human in it, and that publick conſent is nothing at all requiſite, and that Kings are reſponſible to God only*: which is the ground of all Tyrannical, Arbitrary, and Unbounden Sway. For if Kingdoms by *common conſent* can neither ſet Bounds nor Conditions, nor judg of them when limited to Kings, but muſt conſider them as things *meerly Divine* (the greateſt tye in the World) *above all human Laws*, *Conſent* and *Comprehenſion*, then all Nations are *equally Slaves*, and born to no more Liberty than the Subjects of *Rex Aſinorum*, whoſe Wooden Shoes and Canvas Breeches proclaim what a bleſſedneſs it is to be born under a meer divine Prerogative.

But the ſureſt Baſis of all right Government is *common conſent*; and the moſt juſt and honourable End is *common good*, and not ſuch a divine Prerogative as none can underſtand, nor poſſible for any Mortal to prove.

God is not more the *Author of Regal* then of *Democratical*, *Ariſtocratical*, or any other Form of Government or Power; nor more the *Author of Supreme, than of Subordinate Powers: Subordinate Magiſtrates have their Power as much from God as Kings have, and as reſponſible to God only as they, and yet their Powers are not beyond human reprimand and determination.* Laws are not now to be underſtood to be any ſpecial Ordinances immediately ſent from Heaven, as of old by the Miniſtry of Angels or Prophets: they now can be nothing elſe amongſt Chriſtians but the *Pactions and Agreements of ſuch and ſuch Politick Societies and Power*; nay, the very *Eſſence of Power is ſo Originally inherent in the People* (that they cannot juſtly, without injury to God and Natures Law, *deveſt themſelves* wholly of it,) and it is nothing elſe but the *Might and Vertue*, which ſuch or ſuch a Society of Men contains in it ſelf; and when by ſuch and ſuch Laws of Common conſent and Agreement it is derived and deligated into ſuch and ſuch Hands; *God confirms that Law*, and ſo Man is the free, natural, and voluntary Author; the Law is the Inſtrument, and God is the Eſtabliſher of both. All other Powers, not derived from common conſent of the People, are but Sophiſticate and Adulterate in all Princes, and they that imbrace ſuch Powers, imbrace a *Cloud* inſtead of a *Juno*. The Fountain or Efficient Cauſe of Power is moſt certainly in the Governed: And from hence the inferrence is juſt, That Kings, though *ſingulis majores*, yet are *univerſis minores*; for if the *People* be the true efficient cauſe of Power (as undeniably they are) its a Rule both in Nature and Politicks *quicquid efficit tale eſt magis tale*. Hence it's manifeſt, that as the *Governed are the efficient cauſe*, ſo they, and their *happy eſtate* and *condition*, are the *final end of all Governments*. And it were ſtrange, nay monſtrous, that in conferring and deligating their own Power and Vertue to this or that Man, or to theſe or thoſe Perſons, to command in Chief for Order and Regulation ſake only, ſhould aim at any thing but at their own Good and Happineſs, both in the firſt and laſt place. Or to expreſs it in another Dialect, *the Publick Power and Authority of all Societies, is above every individual contained in the ſame Societies*, of what quality ſoever, *Kings or not Kings*.

All *Imperial and Royal Dignities* are inſtituted by the Commonwealth *to preſerve it ſelf*, and not erected to *preſerve Royal Dignity* otherwiſe or farther than it conduces to the Honour, Safety, and Happineſs of the Commonwealth. And that *which is the End*, is far more honourable and valuable, both in Nature and Polity, *than that which is the Means*, which leads us to the tranſcendent Law of *Salus Populi*; to which all Imperial and Prerogative Laws are juſtly ſubſervient: and were they not conducing to thoſe ends, they were neither neceſſary nor yet expedient.

Plea of Force or Conqueſt cannot acquit *Princes* of that which is due to the *People*, who are the Authors and Ends of all juſt Power, for meer force ought not to alter Laws of Nature, or fruſtrate the tenor of Laws of God or Man: and if it could, yet there were more reaſon why the *People* might juſtifie force to regain their undeniable Rights and Franchiſes, than the *Imperialiſts* might to ſubvert the ſame. It being unnatural that any Nation, by it's own inherent and natural Virtue and Proweſs, ſhould meerly eſtabliſh Tyranny, and countenance Slavery, and to make that which is moſt Excellent ſubſervient to that which is moſt Vile, or to advance one from among themſelves to the *Throne*, that they themſelves might be *brought under Axes and Harrows*. Even *Heathen Princes*, that have been Abſolute, have acknowledged themſelves Subject and Servants to the Publick, and born for that ſervice, as being well ſatisfied, *Populi rem eſſe non ſuam*. No Captain-General hath ſuch unlimited, and uncircumſcribed Power, but that, if he ſhould turn his Cannon upon his Soldiers, they were *ipſo facto* abſolved of all Oaths of Allegiance, and bound by a *higher Duty, both to God and Nature*, to preſerve themſelves by Reſiſtance and Defence: ſuch *tacite and implicite Truſts and Reſervations* are in all Publick Governments, though of the moſt Abſolute Nature; and there muſt be theſe neceſſary conditions, *viz. that the Governed be Safe, Free, and Happy.*

There is in all Laws a literal and an equitable ſenſe. No Government did ever give Power to their Kings for their woe, but for their happineſs. If by the Letter of the Law Kings miſ-improve their Power againſt the equity thereof, then they give liberty to the commanded to refuſe Obedience to the Letter: for the Law taking abſtract from its Original Reaſon, End, and Equity becomes a Shadow without a Subſtance, a Body without a Soul; which diſtinction, if not allowed, the very end of all Laws (which is to miniſter impartial Juſtice indifferently to every Man, and to give bounds and limits to the exorbitant wills of Princes and Governors) will be diſappointed, *Salus Populi* being the *Suprema Lex*. Execution of Laws according to their Equity and Reaſon is the Spirit; that gives life to Authority, the Letter kills. Equity is ſo naturally implied in all Laws, that are not meerly imperial from the Analogie, that all bodies Politick hold with the natural; whence all Government and Governors borrow a proportionable reſpect, except we deem Obedience binds Men to cut their own Throats or their Neighbours. For Kingdoms muſt not be without means to preſerve themſelves, which always is intruſted in ſome certain hand with a Power to provide in an orderly way for the good and ſafety of the whole.

All the Priviledges, Prerogatives, and Authorities conferred on Kings by any People, are but as ſo many Truſts repoſed in them to improve for the good and glory of King and Kingdom, and not to abuſe or uſe at their own pleaſure, what ever the exegency of the Kingdom ſhould be. If that were ſo, all our Laws would ſignifie little; and therefore if Kings Govern not according to Equity, and the Truſts repoſed in them, that Nation, or it's Repreſentatives, may demand an Account and Redreſs: For Kingdoms by no Law of God or Nature are to be left without a power and means to preſerve themſelves.

The *Charter of Nature* entitles all Subjects of all Countries to ſafety and freedom by its Supreme Law. If *Kings* receive all Royalty from the *People*, and for behoof of the People, and that by a ſpecial Truſt of ſafety and liberty expreſly by the People limited, and by their own Conceſſions and Oaths ratified (as for certain they do) then Emperors and Kings cannot be ſaid to have ſo unlimited and high a property in our Lives, Liberties, and Poſſeſſions; or in any things elſe appertaining to their Crowns, as the Governed have in their Dignity, or in themſelves. The *ſafety of Kingdoms* is to be valued *above any right of any Monarch*, as the end is to be preferred above the means. It is not juſt, nor poſſible for any Nation ſo to enſlave it ſelf, to reſign its own Intereſt to the will of one or many Lords, as that they may deſtroy or abuſe it without Injury, and yet to have no right to preſerve, or right it ſelf: For ſince *all natural Power is in thoſe that obey*, they which contract to obey to their own Ruine or Slavery, or having ſo contracted, they which eſteem ſuch contract before their own preſervation, are *fellonious to themſelves, and rebels to Nature.*

Livy lib. 1. *ab. V. C.* deſcribing the beginning of the *Roman Kingdom*, Records, that among thoſe Hundred named *Kings* after the Death of *Romulus*, who ſucceeded and governed that People ſucceſſively, That if they did not pleaſe the People, it was ordained by common conſent, that the *People ſhould chuſe their Kings, and that the Authority of the Senate ſhould confirm them.*

It's manifeſt that *Kings* being ſet up by the *People on conditions*, which if they perform not, the *People* being Convocated according to their diſtinct Orders and Ranks, by the ſame *Authority they had to ſet up Kings on Termes and Conditions, by the very ſelf-ſame Authority* they may curb and dethrone them; which they made good againſt proud *Tarquin* their *laſt King*. Moreover *Seneca* obſerves out of *Cicero de Republica*, that *Appeals do lie from the King to the People*, (as in the caſe of *Horatius* that killed his Siſter, who by Delegates, appointed by *Tullus Hoſtilius* the King, was condemned, yet was afterwards abſolved and quitted by the People.) *Dionyſius* teſtifies the ſame, that *Romulus*, when he conſulted about ſettling the Kingdom, did declare, *That the King was the keeper of the Laws*, yet in the mean time, that the *Power of creating Magiſtrates, making Laws, War, and Peace, was ſtill left with the People*, as inherent in them. *Populi ſuffragia ſunto: Magiſtratus creanto: leges ſciſcunto: pacem bellumque jubento.* Calv. 985. Which farther appears by the Hiſtory of *Collatinus*, who firſt was *Conſul* with *Brutus*, that the People (by which Title is underſtood the *Plebeian* State, which now is called the Third State, as among the *Romans*, viz. *Patritian, Equeſtrian & Plebeian*) had the ſame Power againſt the *Conſuls*, although they had the Supreme Power when there were no *Dictators*. To this *Livy lib.* 2. *ab V. C.* gives Teſtimony. *Timens* the *Conſul* fearing to be called to Account at the end of his *Conſulſhip*, quitted it: But *Collatinus* the *Conſul*, though accuſed of no crime, yet being of the Name and Family of the *Tarquins*, was ſuſpected and removed by the *People*. Hence it is eaſily gathered, that the *People* would much more uſe their Authority on any *Conſul*, if criminally accuſed, although by the Law they were not to be queſtioned till their time was ended. It's true, after the *Decemvirate* was conſtituted (which was *Anno* 302.) *no Appeal did lie from them to any other Magiſtrates*: But when they alternately Governed, *it was lawful to Appeal from the Judgment or Sentence of one to the Judgment and Sentence of another.* So far unpleaſing was an unlimitted Power to the *Romans*, that at laſt the *Decemvirate* was forced to quit their Power. It's true, no Appeal lay from the *Dictatorſhip*, but that Power was never erected but in very perillous times, and extreme oppreſſion neceſſitating, and laſted but a very little while. *Cal.* 1050. *Semeſtre ſcilicet.* And (which is yet more admirable) if at any time an Appeal to the People, from the Supreme Power of the Dictator was brought, he of his own accord conſented: As may appear by the Tranſactions between *L. Papyrius Dictator & 2. Fabius, Anno ab. V. C.* 429.

Tho' *Julius Cæſar* violently obtained his Power over the *Romans*, yet would ſeem and did pretend to have had all his Dignities and Gifts, according to the ancient cuſtom *from the People*; for which Uſurpation he was afterwards ſlain. So *Auguſtus*, no Heir of the Empire, but adopted by him to be his Succeſſor, pretended that he was of right *choſen by the conſent of the People*: Neither did *Tiberius* by any other way ſucceed him: and after him *Caligula* was choſen by the *conſent both of the Senate and the People*; but *Claudius* firſt obtained the *Empire* and the Military Power by Bribes, but did not govern without the conſent of the People. *Nero* having poyſoned him, ſucceeded him, and *reigning tyrannically*, the Senate reſumed their Power (which had a long time ſlept) condemned him as an Enemy to the *Roman State*: By all which it appears, that *Cæſars* becoming *Tyrants*, *may lawfully be reſiſted and cenſured*; and tho their Empire ſeem very large by the *Lex Regia* (made for *Auguſtus* and confirmed for *Veſpaſian*,) yet it was circumſcribed and limited; neither was it approved of without exception, as long as there were places for Law and Equity. So the *Athenians*, when they changed their *Democracy* into an *Ariſtocracy*, they ſet over themſelves, firſt *Thirty*, then *Ten*, who abuſing their Poower, they ſoon removed and *puniſhed them by the ſame Power by which they created them.*

The *Lacedæmonian Kings* having been wont to be choſen out of the Family of the *Heraclides*, which *Lyſander* endeavoured to have altered but could not, *Plutarch*: their Kings being choſen on Terms and Conditions, the People appointed certain called *Ephori, to be a Bridle to them.* Theſe *Ephori* ſometimes depoſed, baniſhed and beheaded, till at laſt *Cleomenes* the Tyrant traiterouſly ſlew them all. *Zenophon* records of the *Lacedæmonians*, that both the *Kings and Ephori* were wont every Month mutually to ſwear to each other; theſe in the Name of the People, and the King in his own Name, *That he would govern according to the Preſcript of their Laws, and that they would keep the Citizens true to him, if he kept his Oath.* This was the Right, Power, and Practice of the Heathen, of which more hereafter.

Let us now conſider the State of the *Iſraelites*, the moſt perfect Government in the World, if they would have been contented with it; for they had God for their only *Monarch*,

Monarch, not only becauſe he was Lord of the whole World, but becauſe he choſe them to be his *peculiar People*, in that *he gave them Laws by Moſes, and gave them the promiſed Land by Joſhua*, who governed them by *Judges*; at which time the Government was *Monarchical*, tho by the Miniſtry of the *Judges*; which if Kings would now imitate and govern accordingly, there would be no need of theſe Diſputes, as it is now moſt neceſſary.

Tho God appointed *David King*, yet he was to be *choſen by the People*, 2 *Sam.* 5. 1. So *Solomon*, 1 *Chron.* 29. 22. and tho the Crown of right did belong to *David*'s Family, yet the *People did chooſe which of the Family beſt pleaſed them*, and that by a double Obligation, as may appear by the Hiſtory of *Joas*, 2 *King.* 11. 4. and 17. For the *King and the People* by a Solemn Oath, did promiſe to God, that they *would keep his Laws* both Eccleſiaſtical and Civil. Afterwards there was *another Oath between King and People*, at which time there was a Right in the People (i. e. *Ordinibus Populi*) to call him to Account, whom they had ordained King if he performed not his Duty.

Which is made out by Examples. If it were lawful for *David* to defend himſelf from the Tyranny of *Saul*, and for the City of *Libnah* (the City of the Prieſts and inferiour Magiſtrates only) to withdraw themſelves from the Obedience of *Joram* (the ſixth Succeſſor from *David*) becauſe he had forſaken the Lord God of his Fathers; which City belonging to the Prieſts, it is very apparent that their caſe was far different from that of the *Idumæans* which hapned at the ſame time, under the ſame King; for it is not likely that the *Edomites* withdrew themſelves from the Subjection of the *Iſraelites*, that they might ſerve God whom they never ſerved, but hated him and the *Iſraelites*, but deſired to free themſelves from their Subjection.

But the Prieſts and Inhabitants of *Libnah*, not being able to ſerve two Maſters, God and the Tyrant, threw of his Yoak, that they might the better ſerve God; will it not naturally follow, that the States of a Kingdom may lawfully defend and free themſelves from Tyranny? The Fact alſo of the Rulers over Hundreds, with the Captains, by the Advice of *Joida* againſt *Athalia*, and of the *Iſraelites* againſt *Amaſia*, 2 *King.* 14. 19. whom they ſlew, which was not ſeditiouſly but lawfully done, for it is no where ſaid that *Amaſias* was ſlain by his Servants, (as it hapned to his Father *Joas*, and to *Ammon* the Son of *Manaſſes*) but *by the common conſent* of *Jeruſalem*, and that not treacherouſly (the end of moſt Tyrants) but by publick force, and publick Authority; not tumultuouſly, but after he had fled to the City *Lachiſh*, from whence his Body was carried to the Sepulchers of his Fathers; which is confirmed, for that after his death, we do not read of any Inquiſition made how he came to be ſlain, or that any Body was puniſhed or called in queſtion for it, either by the People, or his Children (as there was for *Ammon* and *Joas*, 2 *King.* 12. 10. & 14. 5. & 21. 24.) but on the contrary, in reſpect to Kingly Dignity and his Fathers Family, they choſe *Azariah* his Son King. Hence we may conclude, that the chief States or *Ordines of Jeruſalem* had a rightful Power to chooſe a King out of the Family of *David*, whom they pleaſed, and when elected, him either to eject or puniſh according as he did or did not obſerve the Laws.

So the *Danes* dethroned and impriſoned *Chriſtiern their Tyrant King* till he dyed, and *choſe his Uncle in his room.*

It is not unknown how *Guſtavus Erickſon* freed himſelf and his Subjects from their Subjection to the *Danes*, and alſo how they kept their *King Captive* for Male-Government, which they tranſlated to his Brother.

To ſay nothing of *England* and *Scotland*, *Poland* keeps its ancient Right of chooſing their Kings on certain Terms and Conditions, with this *Salvo*, *That it may be lawful to be quit of their Oath if the King keep not his*, as it may appear by their *Election of Henry*, Brother to the King of *France*, which agrees with *Biſhop Valentine*, *Procurator* for the King in that Election, who in his Oration to the People, publickly made and printed, commended them for that they did limit and circumſcribe the Power of the King by wiſe Laws.

So the *Venetians*, whoſe General Council hath Authority of chooſing their *Duke*, reſerving Power to themſelves of depoſing or puniſhing them if he endeavour or do any thing Tyrannically.

So the *Venetians* conſtitute their Duke, not as an Idol, but as a Prince and Monarch, from whom, without any danger of Tyranny, all the Lawful Priviledges and Prerogatives of Kings do iſſue and flow. Now as their General Council have all the Authority of chooſing him (obſerving their ancient Rites and Cuſtoms uſed therein,) ſo the ſame Council retain to themſelves the Right of depoſing, or puniſh-

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ing him if he govern Tyrannically; without which Power all the rest would signifie little.

So consider that Wise and Prudent Nation of *Spain*. 'In the *Fourth Council of Toledo*, 'cap. 74. held 1144. according to *Sigibert*'s Computation, and consisted both of Ec-'clesiasticks, and of the States of that Kingdom, it is thus recorded, *viz. Nullus apud* 'nos sub presumptione regnum arripiat, &c. Let no Man presume to take upon him the 'Government of this Kingdom, no Man move or stir up Sedition among the Citizens, 'no Man design the Destruction of the *King*, but when the *King* dies, let the *Princes* 'and *Peers* of the Nation, with the *Priests*, constitute the Successor in Common Coun-'cil; that whilst Unity and Concord are preserved amongst us, no Discord may a-'rise: But if this Admonition do not quiet our Minds, and move our Hearts to en-'deavour the common Good, then hear our Sentence: Whoever of us, or of all the 'People of this Nation, shall by any Conjuration or Study, violate the Sacrament of 'his Faith or Allegiance, (which for the State of his Country and of the *Gothick* Na-'tion, or for the Preservation of the Welfare of the King he had promised or plighted) 'or shall compass the Kings death, or divest him of his Power, or by any Tyran-'nical Presumption, shall attempt or usurp the Crown, Let him be *Anathema*, Ac-'cursed in the sight of God the Father and his Angels, and from the Catholick Church, 'which by Perjury he hath profaned, and from all the Company of Christians, with 'all his Associates in iniquity be for ever debarred; because it must needs be, *that the* 'same Punishment is due to all the Complices and Companions in the same Crimes; which we 'again the second time repeat, *Quod iterum secundo replicamus dicentes quicunque à modo*, &c. 'And therefore may it please all here present, by your consent, to confirm this Sen-'tence the third time, by the Universal Clergy or People it is pronounced, that who-'ever shall presume against this our definitive Sentence, Let him be *Anathema Mara-'natha*, i. e. Accursed at the coming of the Lord, and that he and his Fellows may 'have their Portion with *Judas Iscariot*. Amen. Wherefore we admonish the whole 'Church of God and the People, that no Man presume to condemn this dreadful 'Sentence, but that they keep their plighted Faith towards our glorious King *Sise-'nand*, &c. And we *humbly require thee our present King*, and all future Princes, that you 'be moderate and mild towards your Subjects, and that you govern them with 'Justice and Piety, and that none of you in your own Person give Judgment on any 'Captive or guilty Person, but that it be done by the *publick Judgment of the Judges* 'appointed thereunto, using both Severity and Indulgence with great Wisdom and 'Moderation; that whilst a pious Temper is used by us all, the King may rejoyce in 'his People, and the People in their King, and God both in King and People. And 'concerning our future Kings we pronounce this Sentence, That if any of them 'contrary to the Reverence of our Laws, by Regal Haughtiness and proud Domina-'tion shall treat us Tyrannically, *Anathema sit*, Let him be accursed from Christ, and 'be separate from God, for that he presumed to bring the Kingdom into trouble and 'distress.

'*De Smithilane vero*, &c. As for King *Smithilane*, who being guilty and sensible of 'his own hainous Enormities and Wickednesses, *deprived himself of the Kingdom* and 'laid down his Royal Ensigns, and we decreed with the consent of the Nation, that 'neither he, nor his Wife, nor his Children for his Tyrannical Government, should 'never be joined to our Society, neither would we at any time promote them to Ho-'nour or Dignities. This is a singular and excellent Example, to which we may add a 'another Decree of the *sixth Synod*, *Toledo*, *cap.* 3. In which, after the Statute of ba-'nishing the *Jews*, it is said, That in vain they did ordain good Laws, *except they did* 'also provide that they should be kept. Therefore afterwards if the King, having the Reins 'of Government, do violate the Observation of his Faith promised, Let him be *Ana-'thema Maranatha* in the sight of God, and made Fuel of Eternal Fire, and whoever 'else, Priest or Christian shall comply with him in so doing. By which it is plain 'what Power the States of that Kingdom have over their Kings if they violate their 'Oath, when by the Feudary Right (which comprehends the Kingdom) a Vassal or 'Slave owes no Service to his Master, if excommunicated, but is free from his Oath 'of Fidelity. *lib.* 2. *Feud. tit.* 28. *§.* 1. *v. de Jure Magistr.* p. 67, 68, 69.

'Take here also the ancient Form, whereby the Kingdom of *Arragon* did oblige their 'King, not only at his Inauguration, but iterated it also in their Triennial Conventi-'ons, *in which the King was present, that he might receive his Power from them*, and they 'theirs from him; where after many Ceremonies performed and past, between that 'which is called the *Justice of Arragon* (which represents the Person of the Supream

'Power, and *to which the King by Oath is obliged to submit*) and the King himself either to 'be created, or already created. *Formula qua Hispaniarum reges inaugurantur. Nos que 'volemos tanto comme vos, y podemos Mas que vos Elegimos Rey: con estas y estas condiciones 'intre vos y nos, un que manda mas que vos.* i. e. *We that are as great as you, and can do more 'than you, choose you King on these and these Conditions between you and us, and one can com- 'mand more than you*: By which you may see that that wise and Prudent People, do 'honour their Kings as they ought, *Ibid* 71, 72.

If we consult the *Empire of Germany*, what Power the *Princes Electors* have there, it is manifest to all the World both in choosing the *Emperor* and deposing of him, as it hapned to *Adolphus Anno* 1296. and to *Wenceslaus Anno* 1400. *Emperors*; for there was such an Oath, whereby their *Cæsars* were bound and obliged, as is described in a Treatise entituled *Speculum Saxonicum, lib.* 3. *c.* 54. For when the King is chosen he is *obliged by Oath to perform Fault and Homage to the Empire, and promise that with all his might he will promote the Administration of Justice, and punish all Injuries, and by all endeavours main- tain the Rights of the Empire.*

Now, that they that had power to chuse them Kings, had power also to curb and punish them, is manifest by undisputable reason and matter of fact. *Ejus est tollere, cujus est ponere. Childerick was expulsed, Anno* 301. and *Gilo substituted*, who was not of the Family of the *Merovees*, and *Chilperick Anno* 578. and *Theodebert Anno* 657. Moreover *Anno* 890. the States neglecting *Charles the Son of Lewis Balbus, chose Eudes* alias *Odon, to be King*. We read also that *Hugh Capet* cheated *Charles the brother of Lotharius* whilst he neglected the Government. In short, if the Kingdom of *Jerusalem* had no Power to choose, then neither *Pepin* nor *Capet had any right to the Crown*, there being no want of Heir Males of *Merovey* when *Pepin* usurped the Crown: nor were wanting Sons of *Charles* the Great when *Capet* challenged the Crown. How great the Power of the States (*ordines regni*) of that Kingdom in the first Constitution thereof was, and how long it continued so, and how the Face of that Government is now altered and degenerated into Tyranny, Histories are full; which no Prescription of what date soever, by any Law of God, Man, Nature or Reason can justifie, it being con- trary to the Solemn Oaths they take at their Inauguration, which justifies all the rest. It was but about *Anno* 1380. that the States of that Kingdom cancelled and made void the Will of *Charles the Fifth*, surnamed the Wise: and but *Anno* 1467. when *Lewis the XI.* (endeavouring to turn that Monarchy into Tyranny) was deservedly impeach- ed for Male Government; and therefore the States being assembled at *Turin* they ap- pointed Thirty Curators (*alias* 20. 16.) by whom he should be governed; but he soon got quit of them, because (under pretence of the *Idol Claronensis*, which he worship- ped with great Superstition) he slighted and ridiculed all his Oaths and Promises, but with so much unsuccessfulness, horrour, and unquietness even to his death, that he sadly experienced which was the better and more happy Condition to be *loved* or *fear- ed* of his Subjects.

Take the sad Example following of Perjury: *Charles VII.* whilst yet the *Dauphin* most wickedly caused *John* the last Duke of *Burgundy*, of the Stock of the *Gallick Kings* to be miserably slain in his presence, contrary to all Faith, Peace, and Friendship plight- ed unto him a little before, near *Melodunum*, i. e. *Melun*. This Perjury was afterwards expiated by the death of many Millions of Souls, almost to the subversion of the King- dom; and *Charles* himself the *King* reduced to that misery, that he was disinherited of his Father, and saw his Capital Enemy Inaugurated by the Kingdom at *Paris*, and from thence was rather *Rex Biturigum*, *i. e.* King of a People of *Aquitane*, inhabiting *Bourge*, then *King of France*: at last was forced to redeem his Peace on shameful and dishonourable Terms, as may appear in a treatise *Apud Atrabates* with the People of the Province of *Artois*; in which (the King himself treated with Duke *Philip*, Son of the said murdered *John* his Subject) this Clause was expressed, to which the King himself did assent, and by his *Diploma* approved of it. '*Which Transaction if violated by him, 'all his Subjects, Feudataries*, &c. *both present and to come, shall neither obey nor serve him, but 'shall rather be subject to obey the Duke of* Burgundy *and his Successors*. Such was the issue of the violation of Royal Faith plighted. And may not all Kingdoms expect the just performance of their Oaths and Stipulations made by their Kings at their Inau- gurations, who are thereby made the Keepers and Protectors of their Laws? And what better Issue can any Kings expect that violate their Oaths and Trusts, though by Wiles, and Shams, and Royal Influences only on Judges and other Officers of their Kingdoms, through whose Hands the management of Laws do pass Judges, Sheriffs, Jus- tices of the Peace, Constables, Privy-Counsellors, Juries? *&c.*

In

In ſumm, The chief Impery is ſo in Kings and other Supreme Magiſtrates, that if they tranſgreſs the Laws and turn Tyrants, and will not be governed by juſt Laws, unto which they have Sworn, it is the *juſt right* of Inferior Magiſtrates, and *Ordines regni* to hinder their Tyranny, and reduce the Government to its Priſtine State and Condition. And in ſo doing they are ſo far from being ſeditious or rebellious, as that they do but their Duty to God and their Country, as by the above-recited examples appeareth. The truth of which appears by many reaſons. 1. By the Law of Nature (on which depends the preſervation of all human Societies) of which there can be no doubt. In all Pacts and Contracts mutually made and conſented unto, the ſame Parties by whom the Obligation was made, have the ſame Power to diſſolve the ſame as often as juſt Reaſon ſhall require. So they that have Power to create Kings, have Power alſo to curb and cenſure them. So if the *Eſſential Conditions of the Contract*, for which the Contract was made, be manifeſtly violated and broken, the Contract (as between *Rahab* and the Spies) is abſolutely void. Let thoſe that hold Kings accountable to God only, ſhew if they can, any Nation ſo fooliſh and unwiſe, that willingly and wittingly, without force or fear, ever ſubmitted ſo abſolutely to any King or Government, that they did not *expreſly* or *tacitely* provide for their own ſafety and good, by obſervance of their own good Laws. If a Conqueror oblige the conquered by Oaths then according to the Civil Law, *that thoſe that are extorted by force and injuſt fear ought not to be accounted Lawful.* I confeſs the *Pulpits* Preach a contrary Doctrine; but it is not poſſible that irreligious or unnatural Conditions, got by force, unjuſt fear, fraud, or wicked practices, ſhould be binding or eſteemed as Lawful, it being a general Rule of right and juſt founded on the common Principles of Nature, *ſo firm and ſure, that nothing that is manifeſtly adverſe and repugnant to the Laws of Nature, can be held for right and juſt amongſt Men.* This is generally to be underſtood of Pacts manifeſtly unjuſt or irreligious, which no Man can juſtly require, nor any Man juſtly ſubmit unto, though required. Such was the reproachful condition required of them of *Gibſh Gilead*, by *Nahaſh* the *Ammonite*, that he might *thruſt out all their right eyes*, 1 Sam. 11. 2. Such and worſe was the condition required by *Antiochus* (the cruel Tyrant) of the Citizens of *Jeruſalem*, viz. *that they ſhould abjure the true religion*, 1 Macc. 1. 51. In ſuch caſes where the conditions of Temporal eſtate are only heard, and Religion not concerned, it is better to have reſpect to their Oath than to their Lives: But when Religion is concerned, Oaths muſt be very ſtrictly obſerved.

Though all *God's Covenants and Promiſes are Yea and Amen*, yet are they all tacitely or expreſly conditional; ſo that if they keep not Covenant with God, God will not keep Covenant nor Promiſe with them. So, though God did *ſolemnly ſwear unto the children of Iſrael, that he would bring them into that very good land that floweth with milk and honey*, yet ſuffered he none of them to enter but *Caleb* (who was of another ſpirit;) and *Joſhua*; *doubtleſs ye ſhall not come into the land, concerning which I ſwear to make you dwell therein*, Numb. 14. 30. *and ye ſhall know my breach of promiſe*, or altering of my Purpoſe, verſe 34. *I the Lord have ſaid, I will ſurely do it unto all this evil congregation that are gathered together againſt me*, verſe 35. and that juſtly, becauſe they firſt broke with him, Nehem. 9. 16. 17, 18. there being always ſome tacite or explicite condition expreſſed or implied in all ſuch Promiſes as well as Threatnings: Therefore as to one and the other God hath given us this *general Rule*, not only with particular Perſons, but with Nations, *Jer.* 18. 7, 8, 9, 10. *At what inſtant I ſhall ſpeak concerning a Nation, or concerning a Kingdom, to pluck up, and to pull down, and to deſtroy it, if that Nation againſt whom I have pronounced, turn from their evil, I will repent of the evil I thought to do unto them: So when ever I ſhall ſpeak concerning a Nation, and concerning a Kingdom, to build and to plant it, if it do evil in my ſight, that it obey not my voice, then will I repent of the good wherewith I ſaid I would benefit them*, i. e. will not do it. Whereupon St. *Jerom* ſaith, *Non ergo quid pollicetur Deus ſtatim futurum eſt, ſed in eos ſua promiſſa implet qui cæleſtium mandata illius.* Covenants and Promiſes on Conditions are equally obliging: whoever fails, the other is free. It is the ſame amongſt Men that are in mutual Stipulation and Covenant, *whoever firſt breaks Covenant, is a Rebel to the Law, and the other is free.*

For which cauſe God blamed and puniſhed *Zedekiah* (the laſt King of the Family of *David*) for that contrary to his Oath he fell from the *King of the Chaldeans*. *As I live, ſaith the Lord, ſurely in the place where the King dwelleth that made him king; whoſe oath he deſpiſed, and whoſe covenant he broke, even with him, in the midſt of Babylon, he ſhall die*, Ezek. 17. 16. ver. per 11o. And *Zedekiah*, not only by his Oath, but by the expreſs Command of God, he and his were to be ſubject to the King of *Chaldea*; which circum-

ſtances

ſtances made *Zedekiah* guilty of that Defection, and of Perjury. I like not that Subjects ſhould on every breach of Oath withdraw their Obedience, and depart from their Oath; neither do I approve of that Proverb, *Frangenti fidem, fides frangatur eidem*: but on the contrary, do deem it unlawful to break Faith juſtly plighted; but I do deny *that Subjects do violate their Faith againſt Tyrants, if they keeping within their own Bounds and Province, do uſe their utmoſt to make Tyrants keep their Conditions agreed on, and hinder them from breaking of them*: For the Rule is general, *That Contracts and Covenants (either plainly expreſſed, or tacitely to be underſtood) are broken and diſſolved by him who violates them, and not by him who was obliged only on Conditions, and thereby becomes free of the Obligations not by his own Acts, but by him who firſt broke the Conditions.* Therefore Supreme Magiſtrates, becoming Tyrants by their own Perjury, and breaking their Covenants, do free their Subjects from their Oaths and Allegiance, and not the People, when they deſervedly make uſe of their Power to curb them, and to right themſelves. That Kings ſhould not be obliged by Law, is contrary to all the received Opinions and Sentences taken from the right of Nature, by the moſt profound and judicious Lawyers. '*Eos qui leges ferunt, legibus quoque obtemperare: & quod quiſque juris in alium 'ſtatuerit, ipſe ut eodem jure utatur: & nihil imperio magis conducere, quam ex legibus vi-'vatur: dignam denique vocem eſſe, Principem legibus ſe ſubditum profitert?*

Itaque quod alibi à Juris conſultis dici videtur. Principem eſſe ſupra leges, aut Principem à Legibus ſolutum, non niſi de legibus civilibus, deque particulari privatorum jure eſt intelligendum: verbi gratia de teſtamentis, de detractione Trebellianæ, aut Falcidianæ: non autem de Jure publico, & ad ſtatum, ut dici ſolet, pertinente: multoque minus de jure naturali, aut divino: cui quum omnes & ſinguli homines ſubjiciantur quatenus homines nati ſunt: omnino efficitur, aut Reges homines non eſſe, aut illos hoc jure teneri.

CHAP. VI.

Principles and Tenets of ſome Divines, and others, deſtructives to all human Societies. Kings made and choſen by the People, and to them accountable. His greateſt Authority is in his Courts, and not in his Perſonal Commands. The People chuſe their Kings, and oblige them by Laws, which they ſwear to keep.

M*Achiavel* I know, and ſo doth the Eccleſiaſtical Poſitician inſtruct Princes, how they may treat Subjects, *not as Brethren, but as Beaſts*, as the baſeſt Beaſts of drudgery, teaching them by ſubtilty, and by the ſtrength of the *Militia*, to ſupport their own will, and to make meer Spunges of the publick Coffers; with which his Writings are full fraught. *Leviathan*, or *Malmsbury Hobs*'s Poſitions or Sentiments, ſmell rank of the ſame Leaven, or more abominable, if more abominable can be, *viz. That the Power of Kings cannot without his conſent be transferred to another; that he cannot forfeit it; that he cannot be accuſed by any of his Subjects of injury; that he cannot be cenſured by them; that he is Judge of Doctrines; that he is ſole Legiſlator, and Supreme Judge of Controverſies*, chap. 20. p. 102. Some Pulpits alſo preach much after the ſame rate, *viz. That it is the Sacred Priviledge of Kings only, for their offences to be exempt from all human Juriſdiction: That Kings, as ſuch, are above the Law; That though they tranſgreſs, yet they are not in the leaſt liable to the cenſure of any Man: no Tribunal under Heaven hath Power to take Cognizance of them, or call them into Queſtion*, p. 5. *That they have Power to Diſpence with the Laws at their Pleaſure*, p. 7. *That for Subjects to queſtion the Actions (though offenſive) or Authority of their Princes, is inconſiſtent with the nature of the Kingly Office, and diametrically oppoſite to the Liberty of the Subject*, p. 7, 8. *The Scepter being put into their hands by God Almighty alone, and with that, the Power he gives them is ſo great, as that he maketh them capable of being accountable to none but God himſelf, according to* Prov. 8. 16. *By me Kings reign*, p. 16. *That Kings may alter Religion at their pleaſure, according to the old unalterable Maxime*, qualis Rex, talis lex, p. 25. *William Clifford*'s Sermon preached at *Wakefield*, Octob. 30. 1681. *Salmaſius* (more excuſably, as being a ſtranger to our Laws) dances after the ſame Pipe, *That Kings have none to judge them but God only; That they are above Laws; That by no Law written or unwritten, natural or divine, can they be made guilty of any ill by their Subjects, or towards them.* In which Poſitions there is a woundy deal of wicked Policy, but not one *Iota* of true Religion and Piety, highly injurious to the

Liberty

Liberty and Happineſs of the whole Race of Mankind (for whoſe Happineſs and Solace the whole World was created) as if a few *Princes and Potentates* were born like *Leviathan*, only to *take their Paſtimes in this World, to be clothed in Purple and Scarlet, to lie upon Beds of Ivory, and to ſtretch themſelves upon Couches, to chant to the ſound of the Viol, and drink Wine in Bowles, and to nourish their Hearts as in a day of Slaughter*, and all others to be governed with *Whips* and *Kicks*, *Thornes* and *Briers*, and yet we muſt not ſo much as mutter or peep againſt them, or ſay, What doſt thou? Not conſidering *that God that made them in the Womb, made theſe, and made them all equal*, and that they were created out of one and the ſelf-ſame Clay, and *redeemed by one and the ſame precious Blood*, without reſpect of Perſons; and that it was *the People that differenced them by making them Kings and Queens, and Princes, ſitting upon Thrones, riding in Chariots, and on Horſes, they and their Servants, and not they the People*. What is this but to be brutiſh in Knowledge?

That *Machiavel* and *Hobs* ſhould belch out ſuch Principles, I do not much wonder; but that any *Proteſtant Pulpits* ſhould Preach out ſuch Doctrines, I ſtand amazed. To ſuch the 21ſt. *verſe* of the 10th. *chapter* of *Jeremiah* may juſtly be applied, *the Paſtors are become brutiſh*.

In populo regendo Rex habet ſuperiorem, legem per quam factus eſt Rex & Curiam ſuam, viz. *Comites & Barones: Comites dicuntur quaſi ſocii regis, & qui habet ſocium habet Magiſtrum, & ideo ſi Rex fuerit ſine fræno*, i. e. *Sine lege debet ei frænum ponere*. Bracton. lib. 2. c. 16. Fleta. l. 1. c. 17. In Government Kings have Superiors, *viz. the Laws by which they are made Kings, and his Court of Parliament: therefore if Kings are without a Bridle*, i. e. *without the Laws, they ought to have Bridles put upon them*. Every ſingle Perſon hath his remedy by Law in the Courts of Judicature againſt Kings; how much more juſt is it, reaſonable and neceſſary, that if Kings injure all, all ſhould have their remedy to Bridle him. It's great ſimplicity to provide againſt petty Injuries of Kings againſt private Perſons, and yet to be lawleſs againſt common and publick injuries, whereby they may deſtroy all without Law, that by Law could not injure any ſingle Perſon. As for the Title of *Supreme Head* and *Governor*, as it is meant of *ſingle Perſons*, not of *Courts*, or of the *Collective body in Parliament*: ſo it is meant in *Curiâ*, not in *Camerâ*, in his Courts, that his Majeſty is *Supreme Head and Governor* over all Perſons, and in all Cauſes, and not in his private Capacity: And moſt truly and *moſt properly*, it is only in his *high Court of Parliament* wherein and wherewith his Majeſty hath abſolutely the Supreme Power; and conſequently is abſolutely *Supreme Head* and Governor, from whence their is no *Appeal*. And without doubt the *Parliament* may take an account of what is done by his Majeſty in his *Inferior Courts*, and therefore much more of what is done by him *without the Authority of any Court*. What more uſual than for *Parliaments* to call to an account all other *Courts of Juſtice*, and all *Officers and Miniſters* under his Majeſty, even for ſuch things as they ſhall do againſt the Law, though by his Majeſty's expreſs command? And what is this but to take an account of the diſcharge of his Majeſty's Truſt? The Law exempts his Majeſty from account in no other ſenſe than it exempts him from fault, becauſe he is to do publick Affairs of the Kingdom by his Officers and Miniſters of State, and not by himſelf, and they are to give an account of that which the Kings doth by them. In which reſpect Sir *William Thorp*, Chief Juſtice in *Edward the Third's time*, was charged for breaking the Kings Oath as much as in him lay. The *King's Authority* is above his Perſon, and *his Perſonal Commands* ought not to controul thoſe that proceed from his *Authority*, which reſideth in his Courts, and his Laws, and in his Perſon, acting by the one and according to the other.

We are really ſuch admirers and ſo fond of Kingſhip, and ſo willing to excuſe all his Peccadilloes, that we retain it as a Maxime, *That the King can do no wrong*, i. e. he can do nothing but by Law, which can do no wrong: And if he do againſt the Law, his perſonal Acts, Commands, or Writings oblige no more than if they were a *Childs*, and the Books call him *an Infant in Law* (though his *publick capacity be not in non-age*, as the Parliament declared in *Edward* VI.) which is not to exempt him from Errors, or excuſe his Crimes, but to ſhew that he ought to be guided by his Council, and that his own perſonal Grants or Commands cannot hurt any more than an Infant, which may be reclaimed, or recalled; not to ſay corrected by the Courts of Juſtice or the Council of the Kingdom.

King *James* of happy memory in his Speech to the Parliament at *White-Hall, March* 21. 1609. told them, *That a King Governing in a ſettled Kingdom, leaves to be a King and degenerates into a Tyrant as ſoon as he leaves off to Rule according to his Laws.*

In which case the King's Conscience may speak unto him, as the poor Widow said to Philip *of* Macedon, *either Govern according to your Laws*, Aut ne Rex sis. *Therefore all Kings that are not Tyrants or Perjured will be glad to bound themselves within the limits of their Laws, and they that perswade them the contrary are Vipers and Pests both against them and the Commonwealth*. Ibid. 531. *I will ever prefer the Weal of the whole Commonwealth in making of good Laws and Constitutions to any particular or private ends of mine, thinking ever the Wealth and Weal of the Commonwealth to be my greatest Weal and Worldly Felicity*, p. 493. The Arguments brought for Kings being appointed by God only, and their Power derived from him only, are grounded on some few wrested and misunderstood places of Scripture, *viz. By me Kings reign, and Princes decree justice. By me Princes rule and Nobles, even all the Judges of the earth*, Prov. 8. 15, 16. which are applicable to all other Governments as well as Regal, and make only for *the institution of the Kingly Office, and nothing at all for the designation or application of the Person to the Office, or Gods immediate nomination or appointment of Kings, but for approbation of Kingly Government, among* other Governments by Judges, or others; whereby it manifestly appears, that Kingly *Authority hath no more of Divine Right than any other form of Government*. And it is manifest to all the World, That God did not of his own free choice primarily erect and establish Regal Government (but that of the Judges) as the best Form of Government, but waved his own Prerogative and Wisdom, and to gratifie the publick desire of a froward, ungrateful and rebellious People, who were used accordingly by such their choice, and felt the smart thereof accordingly as *Samuel* foretold: *So indulgent was God himself to National desires*; which should be a Document to Kings to comply very readily with the desires of their People in Government of their Kingdom, as God here did. Besides, I must repeat again, *That no Man can have Lawful Authority to be King over any Nation, but he must have it either immediately from God Almighty* (unto which there can be no possibility of pretence) *or from the publick consent of the Nation*, therefore Kings must have their just Authority from the People. Let Scripture it self be judge, *all Israel made Omri (captain of the host) King over Israel, not Zimri; and his Son Achab rather than Tibni the Son of Ginath*, 1 Kings 16. 16, 21, 22. And the *People made Solomon King, not Adoniah*, though he *were the elder Brother*, 1 Kings 1. God by the Peoples free suffrages createth such a Man King, because by the Authoratative choice of the People the person is made of a *private Man* and *no King*, a *publick Person* and a *crowned King*, 2 Sam. 16. 18. *The men of Israel said to Gideon, Rule thou over us, both thou and thy Son, and thy Sons Son also*. And *all the men of Sechem made Abimelech King*, Judg. 9. 6. *So the elders of Gilead made Jepthah head over them*, Judg. 11. 8, 9, 10, 11. So *all the people of Judah made Azariah King instead of his father Amaziah*, 2 Kings 14. So in the change of Government, when *Israel* not pleased with their Government by *Judges*, whom God himself had appointed over them, but would have a *King like other Nations*: Wherein God so far waved his Prerogative, that he complied with their publick desire, and gratified them therein, though contrary to his own Infinite Wisdom. And *Samuel said unto all Israel, Behold I have hearkned unto your voice, and in all that yee said unto me, and have made a King over you. And all the Congregation made a Covenant with the King: Behold the Kings Son shall reign*, 2 Chron. 23. 3. God himself by *Moses* gave the *People* power to chuse themselves a King; and withal, directions and qualifications whom and how qualified they should chuse: *when thou shalt say, I will set a King over me like all the Nations round about me, thou shalt in any wise set him King over thee whom the Lord thy God shall chuse*; (i. e. according to his Rules, and Prescriptions, and Dictates, *viz.*) *one from among thy Brethren shalt thou set King over thee, thou maist not set a stranger over thee which is not thy Brother*, Deut. 17. 15. Consider also those Kings whom God most immediately caused to be anointed Kings, and it will be manifest that the People even in such choice had their share, their influence, and their power also: as in *Saul*. And all *the People went to Gilgal, and there they made Saul King before the Lord in Gilgal*, 1 Sam. 10. 15. And several Writers are of opinion that *Saul* was not only anointed with Oyle first privately by *Samuel*, 1 Sam. 10. 12. but also at two other times before the *People*; once at *Mizpah*, an another time at *Gilgal*. So *David* though he were anointed of *the Lord by Samuel*, yet *all the men of Israel came with a perfect heart to Hebron and anointed David King over Israel, and made a Covenant with him before the Lord*, 1 Chron. 11. 2. & 12. 38.

In summ, Many Writers of several Persuations, from these examples conclude, *that the People under God make the King*. Beside, the want of the *publick Stamp* of the *People* made *Zimri* (who had usurped that Title and Office) *no King, and yet made Omri King*, 1 Kings 16. 16. *And those whom the rulers of Jezreel at Samaria*, 2 Kings 10. re-

fused

ceſſed to make a King were no Kings. This *Power* of the *People made Athaliah a Princeſs no Princeſs, by their tranſlation of the Crown to Joah,* 2 Cron. 23.

There's now no Voice, no immediate Oracle from Heaven, no *Samuel*, no *Eliſha*, no inſpired Prophets *to anoint David*, not *Eliab*; *Solomon*, not *Adoniah*, no particular perſons, and therefore no perſons can have a juſt Title to Crowns but by choice and approbation publick. God hath only ratified the Kingly Office, and deſcribed fit qualifications, *viz. Men of truth, hating covetouſneſs*, &c. Exod. 18. 21. Deut. 1. 16, 17. but doth not now name or appoint particular Perſons, but hath left it wholly and freely to the *People to chuſe for themſelves*, and make their own Conditions. It is farther obſervable, that *Saul* (after *Samuel* from the Lord had anointed him) remained a private Perſon, and no King, till the People had elected and made him a King. So *David* though anointed by the ſame Divine Authority, yet remained formally a Subject and not a King, till *Iſrael made him King at Hebron:* So *Solomon* though by God deſigned and ordained to be King, yet *never was King till the people made him King*, 1 Kings 1.

What greater demonſtration can there poſſibly be than ſuch Scriptural, both Precepts and Examples as are here ſet down for juſtifying of the right of the People in the choice of Kings, and not only in the free choice of this or that Perſon to the Diadem, or to this or that Government, but alſo in the alteration and granting of *Succeſſion*, and in the change and alteration of the very Form of Government? Moreover, by God's owning Kings to *reign by him*, Prov. 8. 16. is no more than God's general owning and conſtituting all things elſe, *viz. thine is the greatneſs, and the power, and the glory, and the victory, and the majeſty; for all that is in Heaven and Earth, is thine; thine is the Kingdom, O Lord, and thou art exalted above all, both riches and honour come of thee; and thou reigneſt over all; and in thine hand is power and might; and in thine hand it is to make great, and to give ſtrength unto all*, 1 Chron. 29. 11, 12. This general Right and Power of the Almighty doth not aboliſh or *impeach the Natural Right of his People in chuſing themſelves a King* on their own Tearms, and Laws, woful experience having taught them, that *to live by one Man's will, would be the cauſe of all Mens miſeries*; (the truth whereof we ſee experienced to this very day, both in the Eaſtern and Weſtern Empires;) which conſtrained them to deviſe Laws for the Regulation of every Man's juſt Right, that no Man might by lawleſs Dominion oppreſs another, but that all ſhould be governed by their own conſent, by Laws of their own making, reſpect always being had (Chriſtianly ſpeaking) to the Laws of the Almighty. *Cui plus licet quam par eſt, plus vult quam licet.*

A *People* may be without a *King*, but there can be no *King* without a *People*, and therefore *Kings* not particularly and immediately named by God, muſt own their Eſtabliſhment and Inthronization to the *People*, and ought to be accountable in ſome caſes to them; *for they that give Power are by juſt Reaſon accounted greater and more honourable than they that receive it*, according to that old Maxime, *Quicquid efficit tale eſt magis tale*: and though *Kings* are to be accounted *ſingulis majores*, yet are *univerſis minores*: For *Kings are not Patrons of their Kingly Power, but Adminiſtrators and deputed Executioners thereof.*

Now it neceſſarily follows, that by the ſame Reaſon Kings have their Authority from the People; ſo to them they are of right to be accountable, for they chuſe them, and covenant with them for their own good. If by God Kings do reign, by God alſo the People have right, and liberties to be governed how they pleaſe; for the immediate appointment of Kings, by God himſelf by his Prophets, being now ceaſed, the application of the Powers of the governed to this or that Perſon is left wholly to the common conſent of themſelves. Be the right of Kings and of the People what it will, from God they both equally derive it. Wherever the People create themſelves a King, by the ſame right he is accountable to them; and it participates as much of Divine right for the People to curb and oppoſe oppreſſing wicked Kings as to make Kings, according to the 149 *Pſalm* 8, 9. *To bind their kings with chains, and their nobles with fetters of iron. To execute upon them the judgment written: this honour have all his Saints.* Nay, God's own People (on whom he had ſet his Love) had his own Command, that when he had brought them into the Land whither they were going to poſſeſs, *That they ſhould ſmite them, and utterly deſtroy them, and ſhew no mercy unto them*, Deut. 7. 1, 2. Kings are conſtituted by God and Man *to go in and out before them* for Protection and Comfort, not for Violence and Oppreſſion; and *it is by righteouſneſs that the Throne is eſtabliſhed; and iniquity will be the ruine of any Nation: fury is not in him*, Iſaiah 27. 4. And God himſelf hath given no Power to Kings, Princes, or Potentates

tentates, but what is juſt and honeſt; and hath tied them up, and bound them by Laws, *viz. He ſhall not multiply horſes to himſelf, he ſhall not multiply wives to himſelf, that his heart turn not away: neither ſhall he greatly multiply to himſelf ſilver and gold. And it ſhall be when he ſitteth upon the Throne of his kingdom, that he ſhall write him a copy of this law in a Book: And he ſhall read therein all the days of his life: that he may learn to fear the Lord his God, to keep all the words of this law, and theſe ſtatutes, to do them: That his heart be not lifted up above his Brethren, and that he turn not aſide from the commandment to the right hand or to the left: to the end that he may prolong his days in his Kingdom*, Deut. 17. 16, 20. If they *ſo Reign*, then *by me Kings reign* is well applied; but if they walk contrary, then they are no more *God's Vice-gerents, but the Devils*. For God never gave encouragement to Princes to work wickedneſs, or to oppreſs, or harraſs Subjects, but puniſhed them for not Governing righteouſly.

The Premiſſes conſidered will certainly yield this undeniable concluſion, That (becauſe God hath given the governed Power and Inſtruction whom to ſet Kings over them, *viz.* this Man, not that, one from among their Brethren: not a ſtranger which is not their Brother,) therefore *the People have a Power to chuſe this or that Man for their King*. The Reaſons are clear; for that God's Law doth not impower an *Ignis fatuus*, a *non-ens*; nor can God's Law countenance or abet an unlawful Power, or an unlawful Action, but interdict it.

Beſides, there being now *no immediate inſpired Prophets, as* Samuel, *or* Eliſha, *to anoint* David, *not* Eliab; Solomon, *not* Adoniah: nor any Man by *Natures Law* born with a *Regal Diadem on his Head, or Scepter in his Hand*; It muſt neceſſarily follow, *That Kings muſt have their Power from the ſuffrages and conſent of the governed*, if they will Govern Lawfully, and not be Uſurpers.

And it was ſo from the firſt Inſtitutions of publick Government. For when the World began to multiply, and reciprocal Injuries, Injuſtices, and Oppreſſions did increaſe among them, the Light of Nature and common Senſe did dictate unto them, That there was no way to prevent and redreſs all evils of Oppreſſion, Injuſtice, *&c.* incident to the whole Race of Mankind, but to come to an Agreement and Compoſition among themſelves, by Conſtituting ſome kind of publick Government, and by ſubmiting themſelves thereunto; And that unto whom they granted Power and Authority, by them the Peace, Tranquility, and happy Eſtate of all might be procured.

Men always knew, that when Force and Injury was done, they might by the *Law of Nature* defend themſelves: They likewiſe knew by the *Inſtinct of Nature*, that howſoever Men might ſeek their own profit and happineſs, yet if this were done with Injury unto others, it was not to be ſuffered, but by all Men and all good Means to be withſtood. They knew alſo by the ſame Light, that no Man might in Reaſon take upon him to determine his own Right; and therefore debates and troubles would be endleſs, except they gave their common conſent, all to be ordered by ſome whom they ſhould agree upon; without which conſent there were no Reaſon that one Man ſhould take upon him to be Lord or Judge over another: and therefore for manifeſtation of this their Right, and peaceable Contentment on all ſides, the Aſſent of them who were to be governed became abſolutely neceſſary. So Judicious *Hooker*, and all prudent Authors, writing of Government.

CHAP. VII.

Whole Kingdoms to be preferred before Kings. Deputators to be preferred before Deputies. Kings are not immediately from God, but from the People, who may limit and bind Royal Power as they pleaſe. The People give only their Politick Power to Kings, reſerving their Natural Power for ſelf-preſervation and happineſs; which they cannot reſign nor deligate without ſin. Law acknowledgeth no Supremacy nor Sovereignty but according to Law. Covenants have been made with Kings both under the Law and ſince, and are equally binding both to King and People. The People cannot abſolutely and unaccountably reſign their whole Power to Kings without ſin, manifeſtly thereby breaking Covenant firſt made with God.

SEeing Kings are conſtituted and appointed by the People, and for the People to preſide over them, and manage their own Government, and to defend them by going in and out before them to fight their Battels, and to ſee that Judgment be impartially and indifferently adminiſtred, it naturally and undeniably follows, that whole Kingdoms are to be preferred before the Kings thereof; as the good of the whole is to be preferred before the good of any part.

Mr. *John Turner* in his Sermon, *September* 9. 1683. though he extends Paſſive Obedience and Prerogative far beyond their juſt limits; yet ingeniouſly confeſſeth, That the Intereſt of Nations is to be preferred before the Intereſt or Welfare of any one Man; and grounds it on the Prophecy of *Caiphas*, John 11. 45, 50. *That it is expedient that one man ſhould die for the People, and that the whole Nation periſh not*; which he accounts *a ſure word of Prophecy*, that is, the Teſtimony of God himſelf, that *a greater Intereſt of Mankind is to be preferred before a leſſer*, p. 20, 21.

Such force there is in conferring Authorities, that they *who receive Authorities are neceſſarily to be eſteemed inferior to thoſe who give them. Potiphar* the *Ægyptian* ſet *Joſeph* over all his Family. *Nebuchadnezar* ſet *Daniel over all the Province of Babylon*, Dan. 2. 48. *Darius* ſet One hundred and twenty *Preſidents over his Kingdom*, and yet did not deveſt themſelves of the *Dominion of their own Power and Authority*. So the *People ſet Kings* over them as chief Miniſters of their Government, *without deveſting themſelves of the virtual Power and Dominion thereof*. Which title of Miniſter, good Kings refuſe not to acknowledge, but imbrace: and for ſome Ages among the *Roman* Emperors, none, unleſs manifeſt Tyrants (ſuch as *Nero*, *Domitian*, *Caligula*) would be called *Lords*. And therefore Holy Writ ſtiles them *Shepherds to feed them*, Pſalm 78. 70, 71, 72. *Captains to defend them*, and go in and out before them, *Miniſters of God for their good*, Rom. 13. 4. *Nurſing-fathers to carry them in their boſoms, as a Nurſing-father beareth the ſucking Child*, Numb. 11. 12. Iſaiah 49. 23. A Kingdom or Commonwealth may be compared to a Ship, where the Maſter chuſeth the Pilot, who is choſen to ſteer the Ship in its right courſe, that it ſtrike not on the Sands, nor againſt the Rocks; in which imployment, as all the reſt, ſo the Maſter himſelf obeys and ſubmits to the Pilot, who notwithſtanding is Servant to the Ship, and to the Maſters. So Kings are in the place of Governing, but the *People in the place or right of Dominion*. Beſides, a Commonwealth, when Chriſtian, is the *inheritance and anointed of the Lord*, Pſalm 105. 15. made of the ſame Mould, *redeemed with the ſame precious blood as Kings are*, Act. 20. 28. and whoſe deaths are precious in his ſight, and the deſtruction but of one of them is the *violation of God's own Image*, Gen. 9. 6. And therefore the death and deſtruction of a Kingdom, conſidered as a *Church* of an innumerable company of Men, is of more concern with the Almighty than the death of a King. For Kings are not God's Inheritance, nor his Choſen, nor the Sheep of his Paſture, nor the Redeemed of his Son, *becauſe Kings*, but as they are the *created Images of God in common with all other Men* their Subjects. And all thoſe high and mighty Titles, Prerogatives and Priviledges by which they ſit on Thrones, are given unto them by Men, *as Men choſen from among themſelves*; and if upon juſt occaſion dethroned, then they are but as one of themſelves again.

Moreover, *If God gives Kings to be a ranſom for his Church, as Pharaoh King of Egypt,* Iſaiah 43. 3. *and ſlay famous Kings, as Sihon King of the Amorites, and Og King of Baſhan,* Pſalm 136. 18, 19, 20. *If he puts a two-edged ſword into the hands of his Saints to execute vengeance: to bind their Kings in chains, and their Nobles with fetters of iron, to execute upon them the judgment written,* Deut. 7. 1, 2. *This honour have all his Saints,* Pſalm 14. 7, 8, 9. *If God plead with Princes and Kings for having the ſpoil of the poor of his people in their houſes, and for beating his people to pieces, and grinding the faces of the poor,* Iſaiah 3. 13, 14. *If God make Babylon and her King a threſhing-floor, for the violence done to the inhabitants of Sion: and plead the cauſe of Sion, and take vengeance for her: and make Babylon a heap, a dwelling-place for Dragons, an aſtoniſhment and hiſſing without an inhabitant; and make them roar like Lions, and yell like Lions whelps,* Jer. 51. 36, 37, 38. *Then Chriſtian Commonwealth, as his People, are more precious in the ſight of the Lord than Kings becauſe they are Kings.* Beſides, Kings are but ſingle Perſons, and Kingdoms and the Church conſiſts of Millions: and *certes* the Lives, Welfare and Happineſs of Millions are to be preferred before one, though he ſhould be worth Ten thouſand of them in reſpect of outward ſplendor and pomp: for *there is no reſpect of Perſons with God, for all God's delight is in Saint-ſhip, not in King-ſhip.*

Beſides, Nature prompts unto a neceſſity of Government, but not unto Kingly Government: for that innumerable People may and do live without a King, but there can be no King without a People. And the very Eſſence of Government and Governors is preſerved intire in *Ariſtocracy* or *Democracy* in the People, though there ſhould be no Kings. Beſides, the People were a People before there was any Government (Paternal and Domeſtick excepted,) and there is a People where there is no King, but there can be no King without a People. Take away the People, and *Dionyſius* the *Sicilian* Tyrant *will be but a pitiful Pedant.* Take away the Baſis of a Colloſſus (though that of the Sun at *Rhodes*) and the whole Fabrick and Superſtructure muſt neceſſarily fall to the Ground. If the People do but withdraw and re-call their own Powers to its proper center, *Tarquin will quickly quit* Rome. Beſides, How came they to be Kings? Were they created of any finer duſt? or were they redeemed by a more precious Blood than any of the reſt of the Race of Mankind? Dropt they out of the Skies? Or ſprung they out of the Earth like Muſhromes in a night? If not ſo, nor ſo, How came they by their Kingly Dignity? Even *by the choice and gift of the People,* who make choice of one from among themſelves to ſit like a Pilot to Steer the Government for the good of the governed; and therefore they contribute all their Eyes, Ears, Hands, Feet, nay, their whole Bodies and Purſes, to exalt, enoble, and enable him the better to go in and out before them, to judge Uprightly, to plead their Cauſes, and to miniſter Juſtice indifferently. Do *Kings* misbehave themſelves? then may alſo the *People* withdraw their Eyes, Ears, Hands, Feet, Strength, Purſes, and then *Kings* will be like one of themſelves again.

Seeing therefore *Kings are made by the People,* and for the good of the People, and cannot ſubſiſt without the People, and the end is more to be preferred than the means, Why ſhould it ſeem ſtrange to Chriſtians, rational Men, that *Kingdoms* are to be preferred before, and to be held Superior unto Kings? *Kings* are given of God, as gifts, for the preſervation, comfort, and good of his People, his Choſen, his Inheritance, the work of his own Hands, and the redeemed of his own Blood, to be *Nurſing-fathers* to them, and therefore muſt be of leſs eſteem in the ſight of God than thoſe to whom, and for whoſe good and happineſs they are given, ſince the gift, as the gift is in worth much leſs than Kingdoms, for whoſe ſake Kings were given. Beſides, who by office were obliged to Fight the Kingdoms Battels, by going in and out before them, and to Jeopard their lives, for the ſafety of the People muſt be inferior to the People.

Moreover, *The Royal Legiſlative Power is joint and co-ordinate with King and People,* and conſequently the Power alſo, and ſo no neceſſity to fetch a *Royal Power from Heaven* to be immediately infuſed in them, ſeeing the *People have ſuch a Power in themſelves.* The *People* in all well-conſtituted Kingdoms, can and *do limit, and bind Royal Power by Law*; and thoſe who can limit, and take away, can give Power: and it *is abſurd to conceive that the People can put reſtraint upon Powers immediately derived from God.* Though Kings command, in ſome ſenſe, the People by their executive Power of the Laws above them, yet the *People have the Original and Natural Power above them,* becauſe they make Kings: and in God's intention Kings are given wholly and intirely for their goods, and if Kings do not ſo execute, they do, as much as in them lieth, make void *and fruſtrate the whole deſign of their Government, inſtituted and eſtabliſhed*

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by God and Man, and forfeit their right of Governing. The People give to Kings a *Politick Power* for their own ſafety, and quiet living, and they keep their *Natural Power to themſelves*; of which they cannot deveſt themſelves, and they do not break their Covenant nor their Laws when they execute *Natural Power* for their ſelf-preſervation. The *People* by their *Original or Natural Power* make Kings after Kings, as when *Saul* died they made *David* at *Hebron*, after him *Solomon*, after him *Rehoboam*, and ſo on. And therefore there is more Fountain and *Natural Power* of Royalty in the People than in *David*, *Saul*, or any *King* in the World: for it is not any where read that *Saul*, or any other *King*, made an other abſolute King. Thoſe Tribunals that make Kings muſt neceſſarily be above Kings: and though there be no Tribunals *formally* above Kings, yet there is *naturally and virtually* a Power in the People, in thoſe who have a joint co-ordinate Power in the *Legiſlative Power*, and ſhare in the executive part of the Laws (as all Officers of Kingdoms have) to erect a Tribunal over them. It is *falſe* and *abſurd* to conceive that any People have or can lawfully reſign their *whole Liberty* into the Hands and Power of any Royal or other Government, it being *againſt the Law of God and Nature ſo to do*. Obj. *Nemo dat quod non habet*. For the People have not an abſolute Power to deſtroy themſelves, or to authorize Violence, Oppreſſion, Injuſtice, or other acts of Tyranny, and therefore cannot reſign it to any Government: no more have Kings, for neither God nor the Law of Nature hath given any ſuch Power to Men. And God gives Kings as a Bleſſing, (and happily as the beſt of Governments;) but if thereby the ſtate of Slavery muſt uncontrolably be intailed upon them, as it neceſſarily muſt be, if they renounce their whole Liberty, it's a Curſe rather than a Bleſſing; but they can no more give it away than they can give away their *rational Nature*, and deny themſelves to be reaſonable Creatures; for it is a *Power natural, to preſerve themſelves eſſentially, adhering to every created Being*.

Beſides, they cannot reſign their whole Power (as Prieſts would have them) without manifeſt ſin. God having made an *expreſs Covenant with all the People* of *Iſrael*, that they ſhould be *his peculiar People*, and he would be their God; the purport of which Covenant was, That all the People ſhould take care, that he ſhould be purely worſhipped throughout all the Land; which Power they cannot reſign to Kings *unaccountably*, and abſolutely without manifeſt breach of Covenant, and ſo ſin in *breaking Covenant with God*, and thereby provoking his wrath and indignation, would pull down Vengeance upon whole Kingdoms. Of which more fully hereafter.

Or Sovereignty is not in the People, no more than a whole Kingdom can be one Man, Sovereignty being the *Abſtract*, and Sovereign being the *Concrete*. What then? yet the *Power of giving Sovereign Power* to this or that Man, according to Laws, is *naturally* and *radically in the People*.

Obj. In *May*, 4 *Car.* 1628. the *Commons* having framed a Petition of Right to be preſented to his Majeſty, and deſiring the Concurrence of the *Lords*, they made this addition, *viz. We preſent this our humble Petition to your Majeſty, with the care not only of our own Liberties, but with due regard to leave intire that Sovereign Power wherewith your Majeſty is truſted for the Protection, Safety, and Happineſs of the People*. Which tearms of *Sovereign Power* were ſo diſtaſteful and *chagreen* to the Commons, that they would by no means admit of them: alledging for their juſtification, *That they ſeemed to be another diſtinct Power from the Power of the Law: They were never uſed in any Parliamentary Petition*, or Magna Charta, *or in any Confirmation thereof. If they ſhould grant it, it would ſeem to imply a Sovereign Power above our known and eſtabliſhed Laws, which are well known to the Kingdom, but they know no Sovereign Power. It was a new thing, and they would by no means have it inſerted into the Petition. And the Statute of* Magna Charta *did bind the King and all his Sovereign Power*. Upon which ground it was left out.

Beſides, Titles of Supreme and Sovereign are *verba Solemnia*, words of courſe, titular, and complemental, relating only to their Perſons, but confers no Power: what Sovereign Power Kings have, are given and limited by Laws of common conſent, and not abſolute. What other Laws of Sovereignty there are, of right belonging to them, *nemo ſit*, is paſt all underſtanding. Abſolute Sovereignty in Kings hath no warrant by any Law of God, or Nature; that belongs to God only, who is Lord of all Kingdoms of the Earth: and therefore *there is no Sovereign Power wherewith Majeſty is intruſted, either by God or Man, but only that which is for the Protection, Safety, and Happineſs of the People*; *which is the* Suprema Lex: and the cauſe is very reaſonable, for that uncontrolable Authority eaſily degenerates into Tyranny. And that *Sovereign Power which is in all Governments, is in the Legiſlative Power of that Government ſettled by Laws of common conſent*. And King *James* in his Speech to the Parliament, *March* 1609.

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ſtigmatizeth Power not bounded by Laws with the black Character of Tyranny; yea, Tyranny accompanied with Perjury.

Obj. The People have not Power of life and death. What then? No more have Kings, until impowered by Laws of common conſent; yet the Power of life and death is eminently and virtually in the *People, collectively taken*, though not *formally*, yet they have Power over their own lives radically and virtually; for that they may ſubject themſelves to Magiſtracy, and to Laws made by common conſent, the violation of which may be capital and ſanguinary. And Kings have no other lawful Power over the lives of their Subjects, but by Laws made by like common conſent.

That under the Law, and ſince, there have been *mutual and reciprocal Covenants between King and People*, is without all diſpute, and beyond all contradiction, 2 *Sam.* 5. 3. 1 *Chron.* 11. 3. 2 *Chron.* 23. 2. 2 *Kings* 11. 17. And that they were as *equally and reciprocally binding* is as true; elſe, Why ſhould ſuch Covenants be made publickly before the People, if Kings did not in the Covenant tye and oblige themſelves to the People? And *why ſo ſolemnly* to be made before the Lord in the Houſe of God, if not intended to be kept? or might uncontrolably break them at pleaſure? Was *God* to be called upon, and to be a Witneſs to a *figment*, nay to a *cheat*? *Ab ſit*! no; all the Covenants mentioned in Holy Writ, whether between *God and Kings*, or between *Kings and People*, are mutual. *I will be your God, and you ſhall be my People*, Levit. 26. 12. The Covenant is ſo ſtrictly mutual, that if the *People* break the Covenant, *God* is freed from his part of the Covenant, *Zach.* 11. 10. All Covenanters are under a Law before Men. So if Kings *break Covenant* with their *People, the People are freed of their Obligation to them.* If the *Oath of God* be broken, as the *Covenant between Abraham and Abimelech*, Gen. 21. 22, 23. *Jonathan and David*, 1 Sam. 18. 3. So the Spies profeſs to *Rahab*, in the Covenant that they made to her, *Joſh.* 2. 20. *And if thou utter this our buſineſs, we will be quit of thine Oath, which thou haſt made us to ſwear.* The *Obligation of Kings* in their Oaths and Covenants *to the governed*, floweth from the peculiar *Obligation National* betwixt them and the governed, and bindeth *Kings as Kings*; for that ſuch Oaths and Covenants are entred into, and taken in relation to *Government* only, and therefore are not taken *meerly as Men* (as ſome vainly ſuppoſe, but *as Kings*, or as they are to be Kings over them, becauſe it is the ſpecifick act of Kings, that they are to be obliged unto, to Govern the People in *righteouſneſs and holineſs* with their *Royal Power*, which is *given them by the People* for no other end: and they undoubtedly ſin before God, if they break their Oaths and Covenants made with the Commonwealth: And to aſſert otherways, is to ſuppoſe Kings to be under no Law of God, and ſo conſequently make them either above God, or coequal with him; which is no other than down-right Blaſphemy. Therefore it is undoubtedly true, that Kings Covenanting with the People, to Govern according to the Laws of God, and their own municiple Laws; and on that Condition receive Thrones, Crowns, Tributes, *&c.* from them, and are obliged to the People for the juſt performance of the ſame: *Omnis promittens facit alteri, cui promiſſio facta eſt jus in promittentem: Whoever maketh a Promiſe to another, giveth to that other a right or juriſdiction to challenge the performance of the ſame Promiſe.* But if *Reboboam will make his little finger thicker than his Fathers loins, and chaſtiſe Iſrael, not with whips only, but with Scorpions:* And will ſend *Adoram to gather tribute without the common and free conſent of Iſrael, Iſrael will ſtone ſuch Miniſters to death, and will rebel*, (as in the Text;) or fall away (as in the Margin,) *receſſet*, (ſaith St. *Jerom*,) *defecerunt*, (ſay *Junius* and *Tremelius*) *from the houſe of David, and will make Jeroboam King over all Iſrael*, as they juſtly might, and without the juſt imputation of *Rebellion.* And though *Reboboam* did raiſe 180000 Men, intending by Force of Arms to bring the Kingdom again to *Reboboam* the Son of *Solomon*, yet God would countenance no ſuch act, and therefore forbade them by *Shemaiah the man of God*, 1 Kings 12. 19. 2 Chron. 11. 12. Which demonſtrates, that if *Kings* keep not Covenants with their *People*, they may *withdraw their Tribute and Obedience, and chuſe another King*, or another Government, and be *no Rebels.* This is not to aſſert or juſtifie, that for every act of Male government, or a few acts of Tyranny or Oppreſſion, Kings may be dethroned, and deveſted of their Royal Power: but upon ſuppoſition that the Violencies, Oppreſſions, and Tyrannies, are of ſuch a Nature, as that thereby the whole intention and ends of the Covenants and Agreements made with the People for the Government of themſelves, *viz.* the ſafety of the People, the Laws of God, and of the Commonwealth, are thereby endangered to be fruſtrated; and that on preſumption of ſuch uſages and outrages the People would never have conferred their Crowns upon them. *David* held *Saul* for his Prince, and acknowledges him to be the *Lord's anointed*,

ſo

Regal Power not bounded by Laws, but accompanied with Power.

Obj. The People have not Power of life and death over Kings, and impowered by Laws of common conference over them, is eminently and virtually in the People, that have Power over their own lives, publickly and personally, to themselves to Magistracy, and to Laws made by common which may be capital and irrevocable. And Kings have no other the lives of their Subjects, but by Laws made by their common consent.

That under the Law, and since, there have been many *Kings and People*, is without all dispute, and beyond all contradiction. 1 *Chron.* 11. 3. 2 *Chron.* 23. 3. 2 *Kings* 11. 17. And that they were as a mutual Covenant be made between them, is as true; else, Why should the Covenants be made publick to the People, if Kings did not in the Covenant swear, and oblige themselves to And [illegible] to be made before the Lord in the House of God, is not [illegible] to believe (or might uncontrolably break that pleased. Was God to be upon, and to be a Witness to a [illegible], nay to a mentioned in Holy Writ, whether between [illegible] Kings or between Kings and [illegible] Luke 22. 20. The Covenant is so strictly mutual, that if the [illegible] keeps the Covenant, God is freed from his part of the Covenant, *Jer.* 11. 1. All Covenanters are under a Law to the Men. So if Kings [illegible] Covenant with their People, and [illegible] Gen. 21. 22, 23. *Josh.* 9. 15. *Dan.* 9. 11. *Sam.* 12. [illegible] in the Covenant that they made to him. *Jer.* 34. 2.

Kings in their Oaths and Covenants [illegible] bindeth Kings to keep that Covenant. Natural between them and the governed, and binding Kings to keep that such Oaths and Covenants are entred into, and taken in relation to [illegible] and therefore are not taken *merely as Men* (as [illegible] mainly struggle, but as Kings, as they are to be King over them, because it is the specifick act of Kings that they are to be obliged [illegible] to Govern the People [illegible] which is given them by the People for such ends and uses [illegible] to believe God, if they break their Oaths and Covenants made [illegible] weight. And to affert otherwayes, is to [illegible] Kings by [illegible] to consequently make them either [illegible] God, or [illegible] than downright Blasphemy. That [illegible] undoubtedly true, that Kings Covenanting with the People, to Govern according to the Laws of God, and their own made Laws, and on that Condition receive Thrones, Crowns, Estates, and are obliged to the People for the just performance of the same. [illegible] But if *Rehoboam* will make himself [illegible] And will find [illegible] (Gos in the Text:) or fall away (as in the Margin.) [illegible] (with St. [illegible] Divine *Jonas* and *Theodoret* [illegible] And though *Rehoboam* did not [illegible] Men, intending by Force of Arms to [illegible] Kingdom again to *Rehoboam* the Son of *Solomon*, yet God would [illegible] act, and therefore forbade them by *Shemaiah the man of God*, 1 *Kings* 12. 2 *Chron.* 11. 12. Which demonstrates, that if *Kings* keep not Covenants with [illegible] they may [illegible] *Obedience*, and [illegible] Kings of another Family, and be no Kings. This is not to affert or juftifie, that for every [illegible] Male-government, or a few acts of Tyranny or Oppreſſion, Kings may be [illegible] and deſerted of their Royal Powers: but upon ſuppoſition that the Violations [illegible] and Tyrannies, are of ſuch a Nature, as that thereby the whole [illegible] and ends of the Covenants and Agreements made with the People for the [illegible] mention [illegible] the ſafety of the People, the Laws of God, and [illegible] ſaid, are thereby endangered to be [illegible] and that on [illegible] and oaths the People would never have conferred their [illegible] and acknowledges him to be the [illegible]

ſo long as the People had not recalled their grant of Royal Dignity, ſo that no ſingle Perſon (though Six hundred Men with him) may lawfully Aſſaſſinate any King. All Governments are likened to the *Hiſtory of the* Gordian *Knot*; which if not ſo hard tied, but that the People may have ſome eaſe, ſome relaxation; they ordinarily are willing to endure ſome reaſonable bonds; but if exceſſive, they ever have, and I doubt ever will, endeavour to free themſelves, though by means indirect.

If the People, as God's Inſtruments, Crown Kings on Conditions, that he will rule them according to God's Word, then are Kings made Kings by the People conditionally, and are but adopted Fathers, Tutors, Politick Servants, or Royal Watch-men of the Commonwealth; and the Royal Honour, and Royal Tributes given to them, are Rewards of their Labours and Kingly Hire, and ſo expreſſed by *Paul*, Rom. 13. 6. For this cauſe pay you Tribute alſo, (there is their Wages) for they are God's Miniſters, attending continually upon this very thing. *Qui non implet conditionem à ſe promiſſam, cadit beneficio.*

The *People* ſetting of Kings over themſelves, is an act warranted by *God himſelf*, Deut. 17. 15. Rom. 13. 1, 2. Which act, though done without written Conditions or Oaths (and only by a *Vive le Roy*, or *God ſave the King*,) yet even ſuch choice can never be underſtood or interpreted an Inveſtiture of them with an *Abſolute*, but with a *Conditional Power*; for that ſuch a Power is againſt the *Law of God and Nature*, a prepoſterous and abſurd Power to do good, and yet to work wickedneſs *impune*. Beſides, the Common Law of Mankind allows all Donors to Interpret and Expound their own meaning, why they Crowned Kings over them, and why they give ſuch large Tributes, ſo great Priviledges and Prerogatives; and certainly they will never Interpret that they conferred Royal Power on them to Oppreſs, Perſecute, and Deſtroy themſelves without controul, and leave themſelves without a remedy.

The *Covenant* made by *Aſa, and all Judah, and Benjamin*, 2 Chron. 15. 13. *that whoſoever would not ſeek the Lord God of their Fathers, ſhould be put to death, whether ſmall or great, man or woman.* Which did equally oblige the *King*, as alſo the *Princes*, and *People* to performance: And therefore *Aſa*, as in duty bound, *removed Maacha his Mother from being Queen, becauſe ſhe had made an Idol in a grove*; *which Aſa alſo cut down, ſtampt it, and burnt it at the brook Kidron*, verſe 14.

Diodorus Siculus, *lib.* 17. ſaith, that the *Kings* of *Perſia* were under *an Oath*, and that they might not change the *Laws*: and ſo were the *Kings* of *Egypt* and *Æthiopia*. The *Kings* of *Sparta*, which *Ariſtotle* calleth *juſt Kings*, *renew their Oaths every Month*. *Romulus* ſo covenanted with the Senate and People. *Carolus* V. *Auſtriachus* ſweareth he ſhall not change the Laws without the conſent of the Electors, nor make new Laws, nor diſpoſe of any thing of great concern belonging to the Empire without the publick conſent.

1 Sam. 8. 11. *This will be the manner of the King, who ſhall reign over you*; which place is brought to prove the abſolute Power of Kings, and the unlawfulneſs of Reſiſtance. Which words being rightly interpreted, can have no ſuch meaning. It only declares what the *Manner and Cuſtom was, what they would do, not what of right they might do.* For God had long before in *Deuteronomy* preſcribed them what Laws they ſhould Govern by: and in this place is only deſcribed the *Tyranny of Kings, what they would do*, not what they might juſtly do. And to aver that God hath given Power to Kings to Tyrannize, Worry, Oppreſs, and Deſtroy Subjects, is Blaſphemy: for *God hath not given, nor can give any Moral Power to do wickedly*; which is Licenſe to ſin againſt his own Law, *which is inconſiſtent with his Holineſs*; and therefore no ſuch Power can be from God. And all beſt Expoſitors declare the Law of Kings to be deſcribed in *Deut.* 17. And in 1 *Sam.* 8. is *deſcribed the uſurpation and tyranny of Kings.* So it only demonſtrates their *wicked Uſages or Cuſtoms, not a Law preſcribed by God.* And it is obvious to common ſenſe, that God by his Prophet in this place was not inſtructing Kings in their Duty, but by fore-telling the *Iſraelites* the evil of Puniſhment that they ſhould ſuffer under tyrannous Kings; thereby terrifying them, if poſſible, from their wicked purpoſe of ſeeking a King, and thereby *reject not* Samuel *only, but God himſelf*: and farther menacing and declaring, *That in the day when they ſhould cry out, becauſe of their King, that the Lord would not hear them*, verſe 18. And therefore God did proteſt againſt their unlawful courſe, yet nothing at all would prevail: *nay, but we will have a King over us*, verſe 19. If *Samuel* in this place did not dehort them from Kingly Government, how could they be ſaid *to refuſe to hear the Voice of* Samuel?

In ſumm, All God's Covenants are *Yea and Amen*, and ſo ought his Vice-gerents to be: And for *Prieſts to Pulpit it*, that if they do break their Covenants, yet *they are accountable to none but God*; What is this leſs than like *falſe Prophets* to create Subtilties, and coin Evaſions, to rob Kingdoms of their Laws, Liberties, and Religion, and to ſeduce and betray *Kings* to the pit of Hell, even to *Tophet it ſelf*? A very trick, to tempt Kings to break Covenants, and Perjure themſelves.

CHAP. VIII.

Judges not leſs eſſentially Judges and the immediate Vicars of God than Kings. What Powers and Prerogatives Kings have, they have them from the People. The Peoples Prerogatives: They are to be governed by Laws of their own making; quas vulgus eligerit.

Judges are not leſs *eſſentially Judges*, and the *immediate Vicars of God*, than *Kings*. They who *judge in the room of God*, and exerciſe *the judgment of God*, are as *eſſentially Judges* and the *Deputies of God*, as *Kings*. Inferior *Judges* appointed by King *Jehoſaphat*, were commanded by him to *take heed what they did for yee judg not for man, but for the Lord*, 2 Chron. 19. 6. By which it appears, that they were Deputies in the place of the Lord, and *not the Kings Deputies*, in the formal and official acts of Judging, and ſo owned by the *King* himſelf. If they were not, then Kings might command his Judges as his Servants to give what Judgment they pleaſed, but Kings ought not to guide or limit the Conſciences of Inferior Judges, becauſe *the Judgment is not the Kings, but the Lords*; the reaſon is demonſtrable; for that *Kings* have no Authority to command any other to do that as *King*, for the doing whereof he hath no Power from *God* himſelf. *Moſes* appointed *Judges*, but *not as his Deputies*, to judge and give Sentence as ſubordinate to *Moſes*; for the *judgment*, ſaith he, *is the Lords, not mine*, Deut. 1. 17. and their directions to guide them in judgment is from *God* himſelf by *Moſes*, viz. *ye ſhall not reſpect perſons in judgment*, &c. Yet the *Judges* may *quodam ſenſu* be termed Deputies of the *Kings*, becauſe they have their external call from them. If Kings are to be obeyed becauſe they are Powers from God, ſo are *Inferior Magiſtrates* alſo, for they alſo are Powers ordained of God.

By me Kings reign, and Princes decree juſtice. By me Princes rule, and Nobles, even all the Judges of the earth, Prov. 8. 15, 16. By which it is apparent, that the Power of *Judges, Nobles, Princes*, &c. (all Officers of the Kingdom, not of the King) is as really and truly *from God as that of Kings*, and differs not in nature from that of Kings, but *ſecundum magis & minus* only, both being Powers ordained of God, and *to reſiſt either, is to reſiſt the Ordinance of God*, both being *Miniſters of God* for the good of the governed; both obliged ſo to Govern, that the *governed*, for whoſe good they are equally intruſted, *may lead a quiet and peaceable life, in all godlineſs and honeſty*, 1 Tim. 2. 2. and to judge righteouſly between every Man and *his neighbour, and not to reſpect perſons in judgment, but to hear the ſmall as well as the great, and not to be afraid of the face of men: and the judgment adminiſtred by all is Gods*, 2 Chron. 19. 6. Deut. 17. 19, 20. Iſaiah 1. 17. and *God* owneth *inferior Judges* as a *Congregation of Gods*, Pſalm 82. A Senate of Kings not ſo ſtiled any where. Yet all are equally called Gods, *John* 10. 35. and that rightly; for as *Kings* are *God's Deputies by the mediation of the People*, ſo *inferior Judges* are *God's Deputies* alſo by the *mediation of Kings and of the People*: and we find that *Judges* were ſome time *choſen by the People*. So *Jepthah was made Judge*, then *Jepthah* went with the Elders of *Gilead*, and *the People made him Head and Captain over them*, Judg. 11. 11. But that *God* gave Power of Tyrannizing to *Kings* ſo as they cannot be reſiſted, or called to an account, *which he gave not to Judges*, cannot be made out by any Scripture. What Scripture doth warrant that the *People* might riſe up in Arms to defend themſelves againſt *Moſes, Gideon, Ely, Samuel*, and other *Judges*, ſhould they have Oppreſſed or Tyrannized over the *People*? Or, that it is not lawful to reſiſt the moſt Tyrannical *Kings* of *Iſrael, Judah*, and yet lawful to reſiſt Oppreſſing and Tyrannical *Judges*? But certainly *God Almighty* that made the whole Creation not only for his own Glory, but alſo for the Good and Happineſs of the whole Race of Mankind, would never give any Power to Kingly, or any other Form of Government, to Oppreſs and Tyrannize over the governed uncontrolably and unaccountably, *whoſe Blood is always*

precious

ſeems in his ſight, and in whom is all his delight. It is monſtrous ſo to conceive, and derogatory to the very Mercy, Juſtice, and Purity of God, that he ſhould Create the whole World for the Comfort and Solace of Mankind in general, without reſpect of Perſons, and yet at the ſame time ſubject them to Kings to be uſed as ſlaves, or (which is as bad) not to be reſiſted, or not to be accountable to any human Power, if they at any time ſhould Tyrannize. Certainly ſuch Opiniators and Preachers of ſuch Doctrines do as much as in them lies *to fruſtrate and defeat the whole deſign of the Creation*, which was deſigned for the benefit, joy, and delight of the whole Race of Mankind in general, and by this Doctrine it ſhall be at the pleaſure of every pettiſh naughty Prince to make every Principality, every Kingdom an *Aceldama*, a *Golgotha*, an *Iron Furnace*, an *Egyptian Slavery*, what not? Which God the Great and Wiſe Creator abhors, and manifeſted his Wrath and Indignation againſt it, by pouring his ſevere and manifold Judgments upon that very Nation, which pleaded, nay, hectored for his Prerogative ſo long with God himſelf, till he overwhelmed him and all his Hoaſt, with his Prerogatives, in the *red Sea*.

Obj. *Abſtracta concretis ſunt puriora & perfectioria.* The Powers that Kings have, they have it from the People, who make them Kings, and they having no abſolute Power over themſelves, cannot contribute any ſuch Power to Kings. The Powers that the People have are only *Natural*, and *Legal*, and *Political*, viz. to make and ſubmit to ſuch Laws as may preſerve themſelves in Peace, and Godlineſs, and from unjuſt Violence, and Oppreſſion, by the Conduct and Management of good Rulers. Now, abſolute Power, above a Law, is a Power to do ill, and to deſtroy Nations; which no People have, it being againſt Nature, that any ſhould have a Power by the Law of Nature (which is the Law of God) to deſtroy themſelves. Therefore though the People ſhould inveſt Kings with all the Power that they have, yet if Kings Tyrannize over the People to their hurt and deſtruction, they uſurp a Power which the People never gave them, it not being in their Power to give them; *the Power it ſelf being againſt the Law of Nature, and conſequently againſt the Law of God*; for that all acts of Tyranny are Oppreſſion, and ſinful Injuſtice, and therefore cannot be from God. *Dum contra officium facit, Magiſtratus non eſt Magiſtratus, quippe à quo non injuria ſed jus naſci debet*; and conſequently they *who reſiſt the tyrannous acts of Kings*, do *not reſiſt the Ordinance of God*. What were it leſs than Blaſphemouſly to *charge God with prevaricating with his People*, if in Authorizing Kings to preſerve them, ſhould give them liberty without all Politick reſtraint to deſtroy them? Which is contrary to God's end in the Fifth Commandment, that one Man, a King, ſhould have abſolute Power to deſtroy Millions of Souls and Bodies uncontrolably.

If the Kings of *Iſrael* and *Judah* were under cenſures and rebukes of *the Prophets*, and ſinned againſt God and the People in rejecting ſuch rebukes, and in perſecuting the Prophets, and were under and liable to all the Laws of God, as all other People, though their Subjects, were, then is their Power not above any Law, nor abſolute. That theſe matters of Fact are true, *ſit liber Judex. Samuel* rebuked *Saul*; *Nathan*, *David*; *Elias*, *Achab*. *Jeremiah* is ſent to Prophecy againſt the Kings of *Judah*, *Jer.* 1.18. and the Prophets practiſed it, *Jer.* 19. 3. *Ahab could not take Naboths Vineyard* againſt his will, without the formality of Law, and without the help of Men of *Belial* to boot; for which violence offered to Law and Juſtice, *in the place where Dogs licked the Blood of* Naboth, (ſhed by ſhamming of Laws by *Innuendoes* and *falſe conſtructions of Laws*) *the Dogs did lick the Blood of* Ahab, *and did eat that curſed Woman* Jezabel, *by the wall of* Jezrael, *and her Carkaſs became as dung upon the face of the field.*

A Document to all Kings and Princes for giving any countenance to Violence, or Oppreſſion, or to *ſhamming any Laws* by any irreſiſtable or prevalent *Influences*; and the Inferior Judges ought *not to accept the Perſons of any in judgment, whether ſmall or great, for the judgment is the Lords, and their office as much of divine right as that of the Kings*; then certainly we may juſtly conclude, *That Kingly Power is neither above Law, nor yet abſolute*; for Kings, who ſwear to Govern according to Law, it is contrary to common ſenſe, nay, impoſſible they ſhould have an illimited or abſolute Power, either from God, or the People; for *fœdus conditionatum*, or *promiſſio conditionalis mutua, facit jus alteri in alterum*, it's not to be thought that Kings can at one and the ſame time, and in the ſame breath, juſtly ſwear to Govern according to Law, and at the ſame time interpretatively and ſecondarily ſwear to Govern abſolutely and without Law.

If the governed in Senates, Parliaments, and Dyets, may call in queſtion the Acts, Previledges, Charters, and Commiſſions of Kings granted to any Perſons, and null and vacate them, circumſcribe and dock any of their Prerogatives, may increaſe or diminiſh his Revenue and State, may call into queſtion any of his Friends, Counſellors, or Miniſters of State, and puniſh or remove them: If the governed may appeal from Kings to Senates, Dyets, or Parliaments, and may not appeal from them to Kings, all which may and have been done, as the publick Monuments of Laws do teſtifie, who of ſound judgment can deny the Power of the People in Dyets, Senates, and Parliaments, *to be above that of Kings?* If in an *Interregnum*, Senates, Dyets, and Parliaments have Power, and (which is plain by Hiſtories, without regard had to right of Inheritance) have created Kings, whom they pleaſed, and altered Succeſſions.

In ſumm, If Dyets, Senates, Parliaments, are the *Supreme Council of Nations*, conſtituted by the People, indued with Power from them to this very thing, that they may conſult in common of the weighty matters of Kingdoms and common good, and Kings therefore created that they ſhould ſee executed what they did adviſe and agree upon, *quis niſi mentis inops*, can deny, upon ſuch plain evidence and demonſtration, that the People in Parliaments, Dyets, and Senates, are *not only co-ordinate*, and have *a ſhare in the Government*, but are alſo in ſome ſenſe and ſome places, *ſuperior to them*, for that they can do more than *Kings*.

Kings have their Prerogatives: true, and very fit they ſhould have. So have all other Governments, be their Prerogatives what they will (Power of the Militia, making War and Peace, calling of Councils, Dyets, Synods, Senates, Parliaments, nominating Judges, and other publick Officers of Kingdoms, *&c.*) they are *all derived from the People*, and transferred for their own good, and ſo always expreſſed, or implied. If they make ill uſe of the Militia, it's a breach of truſt, and no obligation of Obedience and Submiſſion is due; if they make ill Leagues, the People not bound to confirm, or aſſiſt; if they call Dyets and Parliaments, it is not for their peculiar intereſts, but for the good of the whole; and nothing done therein can be of force, unleſs the free aſſent of the convocated be firſt had: Which demonſtrates it is the *Office* and *Duty* of *Kings* to call thoſe great Councils as oft as the People ſee cauſe and deſire it, and to continue them till they have the benefit deſigned. And though the *Royal Aſſent* be deſired, it is but for the Honour of the buſineſs: for what concerns common good, ſafety, and liberty, they ought to paſs by virtue of their *Oaths and Office. Non negabimus, non differimus cuique jus aut juſtitiam. Chartæ Artic. c.* 29. Will not Kings deny Juſtice, and may they deny juſt Laws? Not to private Perſons, and yet to the Repreſentatives of Nations? Not in the Inferior Courts, and yet in the Supreme? They are created and elected Kings that they ſhould do Juſtice to all indifferently. *Bracton l.* 3. *c.* 9. *Ad hoc creatus & electus eſt ut juſtitiam faciat univerſis per eas nimirum leges quas vulgus elegerit.* Hence *in Archivis.* H. 4. Rot. Parl. N°. 59. *Non eſt ulla Regis Prerogativa quæ ex juſtitia & æquitate quicquam derogat. Kings have no Prerogative, which derogate from Juſtice and Equity.* And when Kings have refuſed to make or confirm *Magnas Chartas* good Laws, they have been compelled by force of Arms, and ſuch Laws accounted as good and valid by the beſt Lawyers; the reaſon given is, *That they of right and of their own accord ought to have aſſented unto that which they were forced to do.*

All Courts of Judicatory are Authorized and Confirmed by Parliament, in which it is Lawful for the meaneſt of Subjects to implead Kings; in which Courts Judgment is often given againſt Kings, which though endeavoured to be contradicted or countermanded by Kings, yet the Judges by the Laws of God and Man, and by their Oaths, are obliged to refuſe their *Mandamus's*, and to give right Judgment, for the *judgment is the Lords.*

Kings can juſtly Impriſon no Man, nor puniſh any Man, nor ſeize their Goods or Eſtate without Citation out of Courts where the *Judges*, not *Kings have all the Power.* So *Bracton l.* 3, *c.* 9. *Regis poteſtas Juris eſt non Injuriæ*, and *nihil aliud poteſt Rex, niſi id ſolum quod de Jure poteſt. The Power that Kings have, is to do right, not to wrong the leaſt of their Subjects.* The moſt ancient Records do evidence, that they own what Power they have, not to Force, or Arms, not to Inheritance, not to Succeſſion, but unto the Grant of the People; Records tell us, that ſuch *Kingly Power* was given *by the People* unto *Hen.* IV. and before him to *Rich.* II. *Rot. Parl.* 1. *Hen.* IV. N°. 108. And accordingly *Kings* by their *Edicts, Patents, Commiſſions, Diploma's*, do Authorize their Deputies, Lieutenants, and Preſidents. So the *Houſe of Commons* granted to *Rich.* II. that he

he ſhould enjoy ſuch Liberties and Franchiſes as Kings his predeceſſors enjoyed before him, which when he contrary to his Oath did violate, and abuſe, to the ſubverſion of the Laws, was by the ſame Power depoſed: The ſame Roll teſtifieth that they gave like Power to *Hen.* IV. which Powers were plainly fiduciary; and which the Parliament would not have given, but that they had a right ſo to do: neither would the King have been ſo injurious to Poſterity, as to have accepted of it from the Parliament, had they had a juſt right to ſuch Powers in themſelves without ſuch deligation; which plainly ſhews *Kingly Powers to be fiduciary*, acquired, not innate, nor inherent in their Perſons, ſuch Powers as Generals of Armies (*Imperatores Bellici*) have, deligated to Defend, not to Subdue, or Oppreſs them, from whom their Power is deligated. It were *impar congreſſus*, great folly, nay, madneſs, for *Parliaments and People to chuſe Kings*, and ſwear them to the obſervance of a Chart of Laws, how great ſoever, that they may have the Power of the *Militia* abſolutely in their own Power to play *Rex* with all unaccountably.

In ſumm, *Kings do not Govern by a meer Kingly or Divine Power*, but by a *Politick Power*, the People being to be governed by the ſame Laws which they themſelves do make, and not by ſuch Laws as Kings ſhall pleaſe to impoſe at their own will and pleaſure.

In ſumm, We are all born free, and may make what Laws we pleaſe, and commit the Adminiſtration and Execution of them to one or more as we pleaſe, always obſerving one above the reſt moſt Ancient and moſt Authentick, even the *Law of Nature*, ever to be had in greateſt Veneration; which directs *all Laws, all juſt Right, all civil Impery* not to the will, pleaſure, and luſt of *Kings*, but to the Good of the *governed*.

CHAP. IX.

What was Lawful for the Jews *to do for the keeping of the Law, and maintaining and propagating of Religion, is Lawful now for all Chriſtians under the Goſpel: certainly God never Covenanted, nor ordained Covenanting in vain, whether for Religion or Civil Rights.*

FROM what was Lawful for the People of the *Jews* to do, and from what was commanded them by God to do concerning the keeping of the Law and obſervation of his Commands, we may conclude, that the ſame is now Lawful for Chriſtian People of any Kingdom to do concerning the Care, Practice, and Defence of both *Law and Goſpel*. God having choſe the *People*, the Jews, *above all the Nations of the World, to be his peculiar People, made a Covenant with them, That when they came into the Land of Promiſe they ſhould be his People, and he would be their God.* This is expreſſed, as in many places of Holy Writ, ſo more eſpecially *Deut.* 7. 6. & 14 2. *The Lord thy God hath choſen thee to be a ſpecial and peculiar People unto himſelf, above all People that are upon the face of the Earth.* And the force of the Covenant was, *That all the People ſhould take care that God ſhould be purely worſhipped and ſerved of all the Tribes, and that he ſhould have a pure Church in the midſt of them*, Deut. 27. 9. where *Moſes*, and the *Prieſts*, and *Levites*, as Miniſters, and as in God's ſtead ſpake unto all *Iſrael*, ſaying, *Take heed, and hearken, O Iſrael, this day thou art become the People of the Lord thy God; thou ſhalt therefore obey the voice of the Lord thy God, and do his Commandments, and his Statutes, which I command thee this day*, Deut. 17. 9, 10. But more fully yet in *Joſhua*, who gathered all the Tribes of *Iſrael* to *Sechem*, and ſaid *unto all the People*, thus ſaith the Lord God of *Iſrael*, your Fathers, &c. *Now therefore fear the Lord, and ſerve him in ſincerity, and truth*, &c. And the *People anſwered, We will ſerve the Lord, for he is our God.* And *Joſhua ſaid unto the People, ye are witneſſes againſt your ſelves, that you have choſen you the Lord, to ſerve him; And they ſaid, We are witneſſes, the Lord our God will we ſerve, and his voice will we obey.* So *Joſhua made a Covenant with the People that day*, Joſh. 24. 2, 14, 18, 22, 24, 25. and *Joſhua read all the words of the Law, the Bleſſings and Curſings over againſt mount Gerazin, and mount Ebal, according as they kept or violated the Covenant. There was not a word of all that* Moſes *commanded which* Joſhua *read not before all the Congregation of* Iſrael, *with the Women, and the little Ones, and the Strangers that were converſant among them: And all the People anſwered, Amen*, Deut. 27. Which Premiſſes will yield this natural concluſion, *That this Stipulation did not oblige one ſingle Perſon*

only, but all the People of every Nation, to take care that God's Laws and Covenants be kept and performed, and that Idolatry, Superſtition, &c. *be baniſhed and deſtroyed.*

For the ſame reaſon *all the Tribes* did Encamp and pitch their Tents round about the *Ark* where it lodged, to ſhew that that which *was recommended to the care of all, ſhould be governed and defended by all*, Numb. 2. 2, 17. Conſider the practice hereof.

The *Gibeonites* having abuſed the *Levites* Concubine to death, the *Levites divided her into Twelve pieces, and ſent her into all the coaſts of Iſrael: then all the Children of Iſrael went out, and the Congregation was gathered together as one Man in Miſpeh*; conſidering that ſo great a ſin committed in *Iſrael* ought to be expiated and puniſhed *by all*; to whom, after the *Levite* had declared the wickedneſs, they by common conſent reſolved to have ſatisfaction of *Gibeah and the Benjamites*; which being refuſed, they fought againſt them and deſtroyed them; to which God gave incouragement and ſucceſs, *Judg.* 19. 20. Thus was the breach of the Second Table of the Law expiated on a *whole Tribe*, which had ſo offended, by all *Iſrael*. So ought all Nations to do their utmoſt to revenge ſuch Impieties. We have the like Example for the breach and violation of the *Firſt Table*, Joſh. 22. When the Children of *Ruben, and the Children of Gad, and the half Tribe of Manaſſeh* had built an *Altar by Jordan*, verſe 10. Which, when the Children of *Iſrael* gathered themſelves together *at Shiloh, to go up to War againſt them*; for that in ſo doing they had *rebelled againſt the Lord, and rebelled againſt them* (for having thereby violated the Covenant which they all made with God) in building *an Altar beſides the Altar of the Lord their God*, verſe 19. not for *worſhipping* (as they truly profeſſed) but for *memorial*; ſo fearful they were of God's Wrath, that they preſently diſpatched an *Embaſſy* by *Phineahs*, and with him *ten Princes, of each chief Houſe a Prince throughout all the Tribes of Iſrael*, to their *Brethren, to expoſtulate the matter*, and to prevent their ſin. And ſee how pithily they dealt with them. *Is the iniquity of Peor too little for us, from which ye are not cleanſed to this day, but that yee alſo muſt depart from following the Lord*, verſe 17. and it will be, *ſeeing yee rebel to day againſt the Lord, that to morrow he will be wrath with the whole Congregation of Iſrael*, verſe 18. Therefore *rebel not againſt the Lord; nor rebel againſt us in building you an Altar beſides the Altar of the Lord your God*, verſe 19. Did not *Achan* the Son of *Zerah commit a treſpaſs in the accurſed thing, and wrath fell on all the Congregation of Iſrael? And that Man periſhed not alone in his iniquity*, verſe 20. But they returning Anſwer by the Ambaſſadors, That *they built it not to turn from following the Lord, nor for burnt offerings, nor for ſacrifice, but for memorial only, and for a witneſs between us and you, and our generation after us, that we might do ſervice to the Lord*, &c. *verſe* 26, 27. Then *Phineahs*, and the *Princes of the Congregation*, and Heads of the Thouſands of *Iſrael* which were with him, ſaid to the Children of *Reuben*, &c. *This day we perceive that the Lord is among us, becauſe ye have not committed this treſpaſs againſt the Lord, but have delivered the Children of Iſrael out of the hand of the Lord*, verſe 30, 31.

Theſe practiſes are ſufficient warrant and Authority to all Nations, and degrees of Chriſtian Men, to maintain and defend the true Chriſtian Religion in it's purity againſt all oppoſers; for *as the Covenant was made with all, ſo all are obliged to ſtand to it: & qui non vetat peccare quum poſſit, Jubet.* What ſins of others we labour not within our Province to prevent, are ours in the guilt as well as thoſe of our own perſonal commiſſion. Beſides, this Fact of the *Children of Reuben* and the reſt, had it not had that juſt excuſe, it had been *Rebellion* as well *againſt their Brethren as againſt God*, and is ſo declared, *verſe* 19. *Rebel not againſt the Lord, nor rebel againſt us*, and would have provoked God's Wrath, and pulled his Judgments on the whole Land; in which common Calamity the juſt and innocent muſt have ſuffered, and been involved, as well as the unjuſt Offenders; and therefore *by the natural Law of ſelf preſervation*, they juſtly might endeavour to prevent the Judgments and Curſes threatned by their own ſtrength and endeavours; for which reaſon alſo *all Nations are obliged, and have juſt warrant by the Law of God and Nature, to prevent both by Councel and Force, as far as in them lies, and they ſin if they do not.* The Law warrants it. *Thou ſhalt rebuke thy neighbour plainly, and not ſuffer him to ſin*, Levit. 6. 17. The Goſpel countenances the ſame. *Communicate not with other mens ſins*, 1 Tim. 5. 22.

This Covenant was firſt made between *God and the People.* Afterwards when Kings were ſet over the People, *the very ſame Covenant was renewed and confirmed.* At the Inſtallation or Inauguration of the King, there was a twofold Covenant made; firſt between *God, the King, and the People*, or between the *high Prieſt* (*God's Subſtitute*) *the People and the King*, (the People being preferred to the firſt place, 2 *Chron.* 11.) The

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end and deſign of which was, *That the People ſhould be the Lords People*, 2 Chron. 23. 16. 2 Kings 11. 17. *And the King went up into the houſe of the Lord, and all the men of Judah, and all the inhabitants of Jeruſalem with him, and the Prieſts, and the Prophets, and all the People both ſmall and great: and he read in their Ears all the words of the Book of the Covenant, which was found in the Houſe of the Lord. And the King ſtood by the Pillar, and made a Covenant before the Lord, to walk after the Lord, and to keep his Commandments, and his Teſtimonies, and his Statutes, with all their heart, and with all their ſoul, to perform the words of this Covenant that were written in this Book: and all the People ſtood to the Covenant*, 2 Kings 23. 2, 3. Moſt certainly God never ordained this Covenanting between King and People in vain. If the People had no Power nor Authority in promiſing and performing, Covenanting and Reciprocal ſwearing had been meer ſuperfluous and vain appointments. And for certain God never created nor ordained any thing in vain. Moſt probably, nay, moſt certainly, the Covenant was made *inter King, Prieſt, and People*, for the more certain performance thereof, that if either the one or the other *did the Work of the Lord negligently*, or violate the Covenant, the other might force obedience and performance, and be a check to each other: The Prieſt to teach them the Law. If the People tranſgreſſed, the King to uſe his Authority: if the King, the People to uſe their utmoſt, and all, *to prefer the good and benefit of the whole* before any private Intereſt whatſoever. Both King and *Iſrael* plighted their Troths together, not ſeparately.

If two are joyned in Covenant of ſuch a nature as cannot be broken by the one, but the other muſt neceſſarily and unavoidably be damnified and endangered by ſuch breach, the injured Party may in common Juſtice, and by the Law of Nature, defend and right himſelf. If *Iſrael* forſake *God* and worſhip Idols, *the King may puniſh.* If *Kings ſin* after the ſame manner, *Iſrael may reform by the ſame Law. Thou ſhalt make no Covenant with them, nor with their Gods; they ſhall not dwell in the Land, leſt they make thee ſin againſt me*, Exod. 23. 32. *But yee ſhall deſtroy their Altars, break their Images, cut down their Groves*, &c. Exod. 34. 13. Of the ſelf-ſame nature is the Covenant here treated of.

God in his infinite Wiſdom thought it beſt not to commit the care and overſight of his Covenant, and of his Church and People, to the will and pleaſure of one ſingle Perſon, but as both *King and People are all the anointed of the Lord*, and equally concerned in the keeping or violation thereof; and conſequently, in the Bleſſings and Curſings denounced on Mount *Gerazim* and Mount *Ebal*, ſo his Charge was equally incumbent both on King and People, that it being equally every Man's concern, ſo it is every Man's duty and care, both joyntly and ſeverally, that it be kept inviolably, and he will require performance accordingly at their Hands.

Saul being conſtituted *King* over *Iſrael*, *Samuel* being *Prieſt and Prophet of the Lord*, renewed the Covenant, *viz. If yee will fear the Lord, and ſerve him, and obey his voice, and not rebel againſt the Commandment of the Lord, then ſhall both yee, and alſo the King that reigneth over you, continue following the Lord your God. But if yee ſhall ſtill do wickedly, yee ſhall be conſumed both you and your King*, 1 Sam. 12. 14, 15, 25. By wickedneſs, in this place, is moſt eſpecially meant, in that they had rejected the Government which God himſelf had appointed, as beſt for them, and choſe a King to be ſet over them; and we rebelled againſt God. The reaſon aſſigned is, becauſe they were God's own *peculiar People*, hereby it's manifeſt, that both King and People were both equally joined in the Stipulation.

So *Aſa*, King of *Judah*, by the Prophecy of *Azariah* the Prophet, congregated all the People, *viz. Judah and Benjamin, where were alſo many of Ephraim, Manaſſeh, and Simeon, and made a ſolemn Covenant to ſeek the Lord God of their Fathers, with all their heart, and with all their ſoul: that whoever would not ſeek the Lord God of Iſrael ſhould be put to death, whether ſmall or great, man or woman*, 2 Chron. 15. 12, 13. Deut. 13. 9. & 17. 7. Here you ſee the *King himſelf is not exempted.*

Theſe Examples, with thoſe before, and thoſe that follow, will juſtifie this Kingdom in all that they have done, to free us from unreaſonable and cruel Men, and Popiſh Tyranny; and alſo the Auxiliary Expedition of the Prince of *Orange* to be the moſt glorious and moſt righteous Action that ever Prince undertook, becauſe he came to help the Lord againſt the mighty, who both at home and abroad, had in their imaginations and endeavours, deſigned the Inſlaving of all the Proteſtants of *Europe*; which Action God hath hitherto ſignalized by proſpering his Arms with very little Blood. *Whoſo is wiſe and will obſerve theſe things, ſhall underſtand the loving kindneſs of the Lord*, Pſalm 107.

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CHAP. X.

Whole Kingdoms and Nations have Power to reform. Faith equally plighted between King and People ought equally to be kept. Care of Religion, Peace, Juſtice, Safety, Liberty, &c. are incumbent on all the People, eſpecially on the Ordines Populi. *The common and true Cauſe of Rebellion is abuſe of Power, not Diſobedience to the lawful Commands of Kings. Obedience to unjuſt Commands of* Ceſars *is ſin, and to aſſiſt in ſuch is to make themſelves* Participes Criminis. *Oppoſition to Popes or Kings tyrannizing, is not Rebellion againſt Chriſt's Vicars or Vicegerents, but oppoſition to wicked Men acting wickedly. Defenſive Arms juſtified by Authorities.*

NOW, who ſhould have Power to reform things done amiſs by *Kings* but *all the People*, to whom he hath ſworn as ſolemnly, as they to him, and both to *God Almighty*, who is *witneſs between them.* So *Joſiah the King*, with the *Prieſts, Prophets, and all the People both ſmall and great went up into the houſe of the Lord, and made a Covenant before the Lord to walk after the Lord*, &c. *and all the People ſtood to the Covenant*; 2. King. 23. 2, 3, 4. Why ſhould the *Common conſent of all the People* be ſo ſolemnly required? Why ſhould *Iſrael* and *Judah* be ſo ſtrictly *obliged* to the obſervation of Gods Holy Laws and Commandments? Why ſhould they ſo ſacredly promiſe to be the *Lords People*, unleſs Power and Authority were given to them alſo to free themſelves from *Covenant-breaking* and from *Perjury*, and to defend Holy Church? Wherefore was a Covenant made with the People, that they ſhould be the *People of God zealous of good Works*, if they muſt obey the unjuſt Commands of Kings, it may be to worſhip ſtrange Gods, or to permit monſtrous ſins to reign among them, *if it be not lawful to put to their aſſiſtance*, and endeavour to hinder and reform? And why ſhould they be blamed, or Judgments poured upon them if they have no Power from on High to perform what was ſo ſolemnly required, and ſo ſolemnly promiſed? that *God ſhould ſo ſolemnly require their Vow and Promiſe, and yet not give them Power and Authority to perform, is monſtrous to conceive.* God never requires more than he gives; Brick without Straw, that is the Property of *Pharaoh* and his hard *Task-maſters*: Its much more agreeable to truth, that all Covenants of like nature and purport are equally obliging both to King and People, and the care and Authority of each over the other for adjuſting of performances, is reciprocal and equal; it being a Goſpel Principle, That *Gods peculiar People* (which are his true Church) *ought to be ſollicitous, not only to abſtain from evil themſelves, but alſo to prevent it in others*: A notable Example whereof is before mentioned in the *People of Iſrael, Joſh.* 22. who out of abundant Caution, minding the Concerns of their Brethren as their own, when they heard that the *Reubenites, Gadites, and half the Tribe of Manaſſeh* had erected an *Altar, not for worſhipping* (as they truly proteſted) but for *memorial and witneſs*: So fearful they were of Gods Wrath falling on them, that they ſoon diſpatched an Embaſſy to their Brethren to prevent their ſin as before. Hence it is that the Prophets of old ſtanding in the Gate of the Children of the People, whereby their Kings came in, and by which they went out, did ſo often put them in mind of their Duty, *and of keeping Covenant*; *and not only that they ſhould not ſacrifice to Baal*, but that they *ſhould deſtroy both Baal and his Prieſts, and root them out of the Land* whether the King will or no; for when *Ahab* had killed the Prophets of *God, Eliah the Prophet congregated all Iſrael, not tumultuouſly, but by publick Authority and common conſent, unto Mount Carmel, and the Prophets of Baal Four hundred and fifty, and the Prophets of the Grove Four hundred, which did eat at Jezabels Table, and had convinced them of their Idolatry*, and to be falſe Prophets, *the People at his command killed them all at the Brook Kiſhon*, 1 King. 18. whereby it appears, that the *King neglecting his Duty, all Iſrael as obliged ought to diſcharge theirs.* On the contrary, as often as Kings violated their Covenants, or profaned the Worſhip of God, and the *People of Iſrael* (as we ſaid before of Covenants, where the breach of one party manifeſtly prejudiced, the other Covenanters threatning Ruin and Deſtruction to the Innocent) through Negligence, ſinful Connivance, or any other ſiniſter By-end, or Reſpect did not reſtrain him, their *Judgments came alſo upon the People* as well for their non-performance,

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as on *Kings* for theirs, which mostly hapned, for that the People are more apt to follow the Examples of their Kings, than to repent and amend, or mind him of the Errors of his ways. Wherefore did the *Host of Israel, with Saul and his two Sons fall downstain in Mount Gilboa by the Philistines?* 1 Sam. 31. Would God (think you) revenge the Sins of the *King* upon the *People* if innocent? *Far be it from the Judge of all the Earth to slay the Righteous with the wicked*, Gen. 18. 25. or take vengeance on the People for the Sins of the King; *the Soul that sinneth it shall die*, Ezek. 18. 4. Every Man shall be put to death *for his own Sin*, Deut. 24, 16. was it not rather because the People did not resist, or restrain, but assisted *Saul their King*, violating the Law of God, and wickedly persecuting the Man after Gods own Heart, and killing the Priests of the Lord.

Saul desiring to inlarge the Borders of the Tribe of *Judah* at his entrance into *Canaan, broke publick Faith* with the *Gibeonites*, and destroyed many of them (the Children of *Israel* having sworn unto them) by which he broke the third Commandment, *God being witness to his Covenant with the Gibeonites*: he broke also the sixth Commandment, and so the breach of both Tables God himself would revenge; the breach of which Covenant and Oath was justly laid to *Saul and his Family*. Now *Saul* being dead, and *David constituted King*, 2 Sam. 21. 1, 2. *God* sent a Famine in the days of *David* three Years, Year after Year upon the whole Land; and *David* inquired of the Lord, and the Lord answered, It was for *Saul and his bloody House, because he slew the Gibeonites*, which Famine ceased not till *David delivered seven Sons of Saul to the Gibeonites, whom they hanged in Gibeah of Saul unto the Lord*, v. 6. 8. But was the Famine over all the Land for *Sauls* fault only? No, both King and People were both punished, the one for breaking Covenant, the other for not resisting, and not hindring the King, or as being accessary to do this Evil. How came it to pass that God never punisheth the sins of the King upon the People, nor the sins of the People upon the King, and yet he sent a Famine on the whole Land, *Saul* the chief Actor being Dead, (and consequently *Actio moritur cum persona*;) but because the People suffered so manifest a Sin to be committed by their *sinful connivance*, and used no endeavours to resist or hinder him as they ought. Can Punishment by any right be inflicted on any for a Crime whereof they are not guilty? *Alieni sceleris quenquam pœnas pati Jura non sinunt*, 2 Kings 14. 6. Wherein did the *Israelites* sin, if not by tolerating *Saul* to do as he did, when they ought and might have hindred him?

When *Menasseh* had polluted the *Temple of the Lord*, and *shed Innocent Blood, which the Lord would not pardon*, 2 Kings 24. 4. why did the Lord threaten not only *Menasseh*, but his *People with Judgments*, but because they being under the *same Covenants with* Manasseh, they would not restrain the King from persisting in his wickedness, but did connive, countenance, and assist him in his Impieties, 2 *Chron.* 33. 17.

Herod and *Pilate* condemned Christ, the *Priests* delivered him to Death; yet the *Curse fell upon the whole Nation*; and why? because the *People* might have delivered him as well as they did *Barrabas*, and did not, but impricated Curses upon themselves and their Children.

It is the duty of all Nations to take care not only that Criminals be punished, but that no Crimes be committed: which made *Hezekiah pull down the Brazen Serpent, though set up by* Moses, (when it came to be abused:) 2 *Kings* 18. 4. It being the *duty of the People* by *common consent* to hinder Kings as much as in them lies, from violating the Law of God, and from injuring his Church and Saints; and if they do not, they are guilty of the same crime, and liable to the same punishment. Resist they may, by opposing words to words, force to force, stratagem to stratagem, (always avoiding perfidiousness, which is always disallowed and hateful to God and Man.) For in War it matters not whether it be managed by open Force or secret Stratagems. By People is not meant the Many-headed-Monster-Multitude, but by the Universal People is to be understood those who have *any share in the Government*, or any Authority from the People conferred upon them by any Laws made by publick consent, as inferior Magistrates either chosen by the People, or any other way constituted to take care of publick Peace, and concerns of the Laws of the Land, and worship of God in their several qualifications, be they *Tribunes of the People, Ephori, Præfects, Prætors, Judges, Justices of the Peace, Constables, Captains of Thousands, Captains of Hundreds, Captains of Fifties*, or other inferior Officers or Magistrates, which are as Consorts of the Empire, and are in the vacancy of the publick *Sanhedrims, Dyets, Parliaments*, &c. As it were the *Epitome of every Kingdom*, and *Ephori of Kings, and Conservators of the Publick Peace* thereof, to and among whom all the publick concerns of a Nation are referred, of

CHAP. X.

[illegible] Kingdoms and Nations have Power to reform. Faith equally plighted [illegible] People ought equally to be kept. Care of Religion, [illegible] on all the People, espe- [illegible] The [illegible] true Cause of Rebellion is [illegible] Commands of Kings. Obe- [illegible] and to assist in such is to make [illegible] Kings tyrannizing is [illegible] to wicked Men [illegible] Authorities.

[illegible] OW, who should have Power [illegible] done amiss by *Kings* but *all* the [illegible] *People*, to whom he hath [illegible] solemnly, as they to him, and both to *God Al-* [illegible] *Josiah the King*, with the *Priests, Prophets, and* [illegible] *the house of the Lord, and made a Covenant* [illegible] *to walk after the Lord*, etc. *and all the People stood to the Covenant*. 2. Kings. 2[illegible] Why should the [illegible] *of all the People* be so solemnly required? [illegible] *Israel* and *Judah* [illegible] to the observation of God's Holy [illegible] Commandments? Why should they [illegible] promise to be the *Lords* [illegible] and Authority [illegible] given to them also to free themselves from [illegible] from *Perjury* and to defend Holy Church? Whereto [illegible] a [illegible] the People [illegible] they should be the *People of God* [illegible] *good* [illegible] they the [illegible] Commands of [illegible] it may be to worship strange [illegible] *if it be not lawful* [illegible] *to* [illegible] and endeavour to [illegible] And why should they be [illegible] [illegible] from [illegible] to perform [illegible] *should so solemnly* [illegible] *Authority to perform, is mon-* [illegible] never [illegible] Brick without Straw, that [illegible] and [illegible] Is much more agreeable to [illegible] of [illegible] and [illegible] to [illegible] of [illegible] That *God* [illegible] *from evil* [illegible] *Israel*, [illegible] the [illegible] heard [illegible] the *Reubenites, Gadites,* [illegible] God [illegible] Gods [illegible] their [illegible] Gate [illegible] Chil- [illegible] they [illegible] did [illegible] *that* [illegible] *and* [illegible] had killed the [illegible] *and* [illegible] *had* [illegible] *killed* [illegible] *King neglecting* [illegible] as often as Kings [illegible] *People of Israel* (as [illegible] manifestly prejudiced, [illegible] Innocent) through [illegible] Respect did not re- [illegible] non-performance, as

as on *Kings* for theirs, which moſtly hapned, for that the People are more apt to follow the Examples of their Kings, than to repent and amend, or mind him of the Errors of his ways. Wherefore did the *Hoaſt of Iſrael, with Saul and his two Sons fall down ſlain in Mount Gilboa by the Philiſtines?* 1 Sam. 31. Would God (think you) revenge the Sins of the *King* upon the *People* if innocent? *Far be it from the Judge of all the Earth to ſlay the Righteous with the wicked*, Gen. 18. 25. or take vengeance on the People for the Sins of the King; *the Soul that ſinneth it ſhall die*, Ezek. 18. 4. Every Man ſhall be put to death *for his own Sin*, Deut. 24, 16. was it not rather becauſe the People did not reſiſt, or reſtrain, but aſſiſted *Saul their King*, violating the Law of God, and wickedly perſecuting the Man after Gods own Heart, and killing the Prieſts of the Lord.

Saul deſiring to inlarge the Borders of the Tribe of *Judah* at his entrance into *Canaan, broke publick Faith* with the *Gibeonites*, and deſtroyed many of them (the Children of *Iſrael* having ſworn unto them) by which he broke the third Commandment, *God being witneſs to his Covenant with the Gibeonites*: he broke alſo the ſixth Commandment, and ſo the breach of both Tables God himſelf would revenge; the breach of which Covenant and Oath was juſtly laid to *Saul and his Family*. Now *Saul* being dead, and *David conſtituted King*, 2 Sam. 21. 1, 2. *God* ſent a Famine in the days of *David* three Years, Year after Year upon the whole Land; and *David* inquired of the Lord, and the Lord anſwered, It was for *Saul and his bloody Houſe, becauſe he ſlew the Gibeonites*, which Famine ceaſed not till *David delivered ſeven Sons of Saul to the Gibeonites, whom they hanged in Gibeah of Saul unto the Lord*, *v.* 6. 8. But was the Famine over all the Land for *Sauls* fault only? No, both King and People were both puniſhed, the one for breaking Covenant, the other for not reſiſting, and not hindring the King, or as being acceſſary to do this Evil. How came it to paſs that God never puniſheth the ſins of the King upon the People, nor the ſins of the People upon the King, and yet he ſent a Famine on the whole Land, *Saul* the chief Actor being Dead, (and conſequently *Actio moritur cum perſona*;) but becauſe the People ſuffered ſo manifeſt a Sin to be committed by their *ſinful connivance*, and uſed no endeavours to reſiſt or hinder him as they ought: Can Puniſhment by any right be inflicted on any for a Crime whereof they are not guilty? *Alieni ſceleris quenquam pœnas pati Jura non ſinunt*, 2 Kings 14. 6. Wherein did the *Iſraelites* ſin, if not by tolerating *Saul* to do as he did, when they ought and might have hindred him?

When *Menaſſeh* had polluted the *Temple of the Lord*, and *ſhed Innocent Blood, which the Lord would not pardon*, 2 Kings 24. 4. why did the Lord threaten not only *Menaſſeh*, but his *People with Judgments*; but becauſe they being under the *ſame Covenants with* Manaſſeh, they would not reſtrain the King from perſiſting in his wickedneſs, but did connive, countenance, and aſſiſt him in his Impieties, 2 *Chron.* 33. 17.

Herod and *Pilate* condemned Chriſt, the *Prieſts* delivered him to Death; yet the *Curſe fell upon the whole Nation*; and why? becauſe the *People* might have delivered him as well as they did *Barrabas*, and did not, but impricated Curſes upon themſelves and their Children.

It is the duty of all Nations to take care not only that Criminals be puniſhed, but that no Crimes be committed; which made *Hezekiah pull down the Brazen Serpent, though ſet up by* Moſes, (when it came to be abuſed:) 2 *Kings* 18. 4. It being the *duty of the People* by *common conſent* to hinder Kings as much as in them lies, from violating the Law of God, and from injuring his Church and Saints; and if they do not, they are guilty of the ſame crime, and liable to the ſame puniſhment. Reſiſt they may, by oppoſing words to words, force to force, ſtratagem to ſtratagem, (always avoiding perfidiouſneſs, which is always diſallowed and hateful to God and Man.) For in War it matters not whether it be managed by open Force or ſecret Stratagems. By People is not meant the Many-headed-Monſter-Multitude, but by the Univerſal People is to be underſtood thoſe who have *any ſhare in the Government*, or any Authority from the People conferred upon them by any Laws made by publick conſent, as inferior Magiſtrates either choſen by the People, or any other way conſtituted to take care of publick Peace, and concerns of the Laws of the Land, and worſhip of God in their ſeveral qualifications, be they *Tribunes of the People, Ephori, Præfects, Prætors, Judges, Juſtices of the Peace, Conſtables, Captains of Thouſands, Captains of Hundreds, Captains of Fifties*, or other inferior Officers or Magiſtrates, which are as Conſorts of the Empire, and are in the vacancy of the publick *Sanhedrims, Dyets, Parliaments*, &c. As it were the *Epitome of every Kingdom*, and *Ephori of Kings, and Conſervators of the Publick Peace* thereof, to and among whom all the publick concerns of a Nation are referred, of

which ſort in a manner were the *Seventy Elders in the Kingdom of* Iſrael, among which there was a *Chief Prieſt*, which did judge *de Arduis Regni*, which were not to be Hobby horſed in and out by the High Prieſt, according as they would or would not ſerve a ſiniſter turn; and they were choſen out of the *Seventy Families* which went down into *Egypt*, the Elders of which were firſt choſen and made Heads over the People, Rulers of Thouſands, Rulers of Hundreds, Rulers of Tens, and the hard cauſes they brought unto *Moſes*, Exod. 18.25.

We read often in Scripture of *all Iſrael*, of *all Judah*, and *Benjamin* &c. when in all probability every Individual did not at all times meet, of which ſort and kind there is in all well conſtituted Kingdoms ſeveral Congregations of the Kingdoms, Officers of the Kingdom, as the *Privy Council*, *Peers*, *Patricians*, *Judges*, *Seſſions*, *Aſſizes*, *Lord Lieutenants*, *Deputy Lieutenants*, *Mayors*, *Bayliffs of Towns and Cities*, as the ordinary *Councils and Officers of a Kingdom*; and as Councils extraordinary choſen out of them all to conſider *de Arduis Regni*, which are Officers of the Kingdom, and called by ſeveral names in ſeveral Kingdoms, as *Dyets*, *Parliaments*, &c. which provide that no detriment come to either Church or State, in which tho' every individual be inferior to the King, yet the Joynt Body, being the *Repreſentative of the whole Kingdom*, is ſuperior, and to be preferred before him. For as the *Council of* Baſil *and* Conſtance decreed, that a *General Council was ſuperior to the Pope*, and the *Chapter* to the *Biſhop*; for that they which receive any Authority from any Company of Men, muſt needs be inferior to that Company, though he be perſonally ſuperior to every Individual of that Society. So without all doubt, *Iſrael* which petitioned for, and *choſe* Saul *from among themſelves* to be their *King*, as a publick Actor for the common good of them all, was *ſuperior to* Saul. When we attribute any power to the *People*, it is to be underſtood of the *Officers*, *Princes*, *Elders*, *Parliaments*, *Dyets*, *that have a ſhare in the Government and in the Legiſlative Power.* Take *Athaliah* 2 Chron. 24. *for an Example*, in which Act the *Kingdom was* not oppoſed, but *Tyranny*; which Conſpiracy though acted ſo very privately, and as it were by ſtealth, yet blamed neither by God nor Man, but juſtified by all Writers both Sacred and Prophane, and the ſucceſs anſwered the end deſigned.

As the *King*, ſo *all Iſrael* as one Man, the ſeveral Cities as parts of the Kingdom, and their Magiſtrates *did covenant* with God to keep his Laws, *&c. Joſhua* when old and near his end, congregated *all* Iſrael *in* Sechem *in the Preſence of the Lord*, (for the Ark of the Covenant was there,) and called for the *Elders of* Iſrael, and for *their Heads*, and for their *Judges*, and for their *Officers*, and *they preſented themſelves before God*, Joſh. 24.1. And he ſaid unto them, *fear the Lord and ſerve him*, &c. *and the People anſwered and ſaid, God forbid that we ſhould forſake the Lord to ſerve other Gods*, ver. 14. 16. And *Joſhua ſaid unto the People, ye are witneſs your ſelves, that you have choſen you the Lord to ſerve him. And they ſaid we are Witneſſes*, ver. 22. *So* Joſhua *made a Covenant with the Lord that day, and ſet them a Statute and an Ordinance in* Sechem. *And* Joſhua *wrote theſe words in the Book of the Law of God, and took a great Stone, and ſet it up there under an Oak that was by the Sanctuary of the Lord; and* Joſhua *ſaid unto all the People, Behold this Stone ſhall be a Witneſs unto us, for it hath heard all the words of the Lord which he ſpake unto us, it ſhall be therefore a Witneſs unto you, leaſt you deny your God*, ver. 24, 25, 26, 27.

Hence it is evident, that as *every individual Perſon*, ſo more eſpecially *all Officers in a Kingdom*, that have any publick Authority, ought every one in their ſeveral ſtations to take care that God's Law be fulfilled, and of the Peoples happineſs; which Officers are Officers of the Kingdom from whom they have their Authority, according to Laws of their own making, and *to them they are accountable.*

If the *Ark of God* be to be brought back, then *all of the Congregation of* Iſrael *are to be ſummoned and conſulted, and to give their help.* 1 Chron. 13. 2 Chron. 15. So if a *Temple be to be built to the Lord, the chief of the Fathers and Prieſts of the Tribes of* Iſrael, *and the Captains of Thouſands and of Hundreds with the Rulers are ſummoned, and moved to offer willingly*, 1 Chron. 29. So that there is *no power committed to Kings to alter or change the Laws, Covenants, or Worſhip of God.* So in the *Covenants under* Joah *and* Joſiah, between God, the King and the People, *all the Kingdom were preſent, and all were particularly bound to keep and ſtand to the Covenant*; ſo that not the *King only*, but the *Kingdom*, nor the *Kingdom in general* only, but *all the Parts thereof*, promiſe Faith and Allegiance to God Almighty. Not the *King only*, but *Iſrael*; not *Iſrael only*, but the *Cities and chief Governours of them* did *ſecretly bind themſelves to God, to do him homage and leige Services againſt all Infractors of his Laws.* 2 Kin. 11. 23. 2 Chron. 23.

For Example, *Libnah revolted from Jehoram, becauſe he had forſaken the Lord God of his Fathers*, 2 Chron. 21. 10. So *Mattathias*, and all they that fled from the Perſecution

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of *Antiochus*, *joyned themſelves together, and ſmote ſinful men in their anger, and wicked men in their wrath*; *and they purſued after the proud men, and the work proſpered in their hands. So they recovered the Law out of the hand of the Gentiles, and out of the hand of Kings*; *neither ſuffered they the ſinner to triumph*, 1 Macc. 2. 42, 47. ſaying, *We will not hearken to the Kings word to go from our Religion, either to the right hand or to the left*, verſe 22. So his Son *Judas Maccabeus was valiant for the truth, and fought for the People and the Sanctuary, ſo proſperouſly*, Deo favente, *againſt Antiochus, that he recovered Jeruſalem, and reſtored the pure worſhip of God from the Gentiles*, 1 Macc. 3. Though others took part and were obedient to *Antiochus*, and they fell together with the Perſecutor for their ſo doing by the edg of the Sword.

When *Iſrael did evil in the ſight of the Lord, he ſold them into the hand of Jabin, King of Canaan, whom they ſerved twenty years*, (a fair preſcription for a Kingdom) worſhipping ſtrange Gods; among whom eſpecially were the *Tribes of Reuben, Ephraim, Benjamin, Dan, Aſſer*, &c. who adhered to *Jabin*. Nevertheleſs *Deborah, who judged Iſrael at that time, levied force with the aſſiſtance of the other Tribes of Zabulon, Napthaly, and Iſſachar, over whom they made Barack Captain, and went along with them, being ten thouſand men, and diſcomfited the Hoaſt of Siſera, Captain of Jabin, and reſtored the true Worſhip of God to Iſrael: and then ſang Deborah*, &c. Judg. 4. 5.

Happily ſome may ſay, that theſe Facts of *Deborah, Jael, Mattathias*, and *Libnah*, ought not to be drawn into imitation and practice, as being ſtirred up by motions extraordinary, like that of *Phineahs*, and the Book it ſelf but Apochypha, and not ſo Authentick as Scripture. What then? It's certain, that not only the King, but *all Iſrael* and the parts thereof, *viz.* the ſeveral Cities and their Magiſtrates (as in *Joſh.* 24.) covenanted before God, and did ſwear to worſhip the true God according to his Law; which *Covenant is expreſly in force to this day in all Chriſtian Kingdoms, where King and People Covenant each with other*, and tacitely or interpretatively; alſo where *Kings* Rule *Vi & Armis*, or by fraud, or any other unjuſt way, which is down-right Tyranny. The *People* are the *People of God*, and obliged in the firſt place *to God*, and then to the Kingdom, and to the *King*: and though the *King* have the formality and executive part of Power (all Writs, Executions, Proclamations, *&c.* iſſuing in his Name,) yet the *People have the true Dominion originally. Sunt enim univerſa in Regis Imperio, non in Patrimonio.* Seneca lib. 7. de Benef. c. 6, 7. *Omnia Rex imperio poſſidet, ſinguli dominio.*

Conſult all Hiſtories, ſearch all Antiquity, and you will find the true cauſe of *all Rebellion*, in all Ages, and in all Countries, to have riſen originally, and moſt eſpecially, *from the abuſe of Power firſt*, and not from the *diſobedience of Subjects to the lawful commands of Kings*. If *Kings* command unlawful things, as they have no Authority ſo to do, ſo Subjects have no Obligation to obey. When Covenants between Prince and People are of ſuch a nature as cannot be broken or violated by either King or People, without doing manifeſt Injury to the other: The injured party may ſeek his Redreſs and Relief, though it be *vim vi repellendo*, which is always to be underſtood of unjuſt Force. For if the *Force be unjuſt*, the *Defence muſt be lawful*; and, contrariwiſe, if the *Force be juſt*, the *Defence muſt be unlawful*. So that *Kings* and *Princes*, if tranſgreſſors, are as *truly Tranſgreſſors and Invaders* againſt their *Kingdom* and their Laws, as the People are againſt them and the Laws when they tranſgreſs.

Do Subjects obey the commands of their Princes, which they may lawfully command, and which they of right ought to obey, without intrenching on God's commands? Do they pay them Tribute, Sute, and Service, not contrary to God's Laws, as they ought? So to obey *Ceſar* is juſt, lawful, and praiſe-worthy. But to obey *Ceſar*'s, exceeding their juſt bounds, commanding without warrant of Law, affecting, and deſigning a greater Impery without the conſent of the governed; or, if they invade or violate the Laws of God, perverting the right Worſhip of God, (who is above all Kings and Governments) it is unjuſt; and to aſſiſt *Ceſar*'s in ſuch caſes is unlawful, and they that do, make themſelves *partakers of other Men's Crimes*.

Anno Domini 1300. Pope *Boniface* VIII. challenged ſome *Regalia* which belonged unto *Phillip the Fair, King of France*, whereupon *Philip* ſharply reproved the *Pope* by his Letter, even in thoſe days when the *Pope* was accounted the *Vicar of Chriſt* on Earth, and *Head* of the *Univerſal Church*, according to *Communis error, Juris loco erat*. Notwithſtanding, the *Sorban* anſwered, That both *King* and *Kingdom* might ſafely *withdraw themſelves* from their Obedience to the *Pope* without any guilt of *Schiſm*, becauſe not *Separation*, but the *Cauſe*, made *Schiſm*; and that they did not *oppoſe the Vicar of Chriſt, but a wicked Man, guilty of many Crimes* Sieur de Mezerai: Annales Franciæ Archivæ Cameræ

Cameræ Ratiociniorum Lutet. L. Barbar. Ph. de Senat. *If the Cauſe be juſt, the Separation is from the high Prieſt or Biſhop, not from the Church.* Or more properly from *Boniface*, not from the *high Prieſt. Unleſs ſuch diſtinctions and diſcriminations are allowed for true and Authentick, how can the Souls of whole Kingdoms be diſtinguiſhed and ſeparated from the Church?*

If *Kings* invade the Rights of God Almighty, and oppreſs his People (who are the Temple of God) with ſervitude, denying their Rights, Priviledges, and Liberties which God hath given them, and for which Chriſt died, we may much more uſe the ſame diſtinction, and in oppoſition to ſuch *Kings*, or rather *Tyrants*, we may juſtly ſay, *That not the King, but the Tyranny, is oppoſed.*

Anno 1408. *Benedict* XIII. did grievouſly oppreſs the *Gallican Church* with Tributes and Exactions; whence a Convocation of the *French* Clergy being called by *Charles* VI. they decreed, That the *King and Kingdom* ought not to obey *Benedict*, as being an *Heretick* and *Schiſmatick*, and unworthy of any honour; which the *States of the Kingdom allowed*, and the *Parliament of* Paris *approved by their Arreſt. Annales Car.* 6. *Monſtreletus.* Moreover, they whom *Benedict did excommunicate as Enemies of the Church, they judged them forthwith abſolved of ſuch Excommunications*; and that thereby they were not excluded or deprived of any Benefit or Priviledge of the Church. *Ibid.* The like we read to have been done as at other times in *France*, ſo in other Kingdoms.

Which evidently ſhews, That if Kings, and Princes, or States, do tyrannize, or extend their Power beyond it's juſt bounds, Subjects may without any juſt imputation of *Delinquency or Rebellion* withhold their Tributes, withdraw themſelves from their Obedience, or reſiſt their Tyranny: It *being one thing to reſiſt an evil Pope, another thing to reſiſt the Church; one thing to reſiſt a King, another thing to reſiſt a Kingdom or Tyranny.*

We read, That *Edom revolted from under the hand of Judah, and made a King over themſelves: And Libnah revolted from Jeboram*, 2 Kings 8. 20, 22. yet after the true Worſhip of God was reſtored, we find *Libnah numbred among the ſubjects of Ezekiah*, Chap. 19. 8. If *this diſtinction* be of force when the *Pope* (who arrogantly aſſumes to himſelf Superiority over Kings and Princes, invades their Rights, or the Rights of the Church, is it not much more juſt, if *Princes*, I might ſay Vaſſals, *invade the Rights and Regalia of the great God* of Heaven and of Earth? It ſtands therefore ſure, that Princes commanding unlawful things, or forbidding Holy things, or introducing a Falſe or Idolatrous worſhip, *the People, or rather Parliaments, Dyets, Senates*, the ſeveral Officers, or inferior Magiſtrates, *having a ſhare in the Government*, and intruſted with the common concerns of the Kingdom *by the People*, both may and ought to hinder or reſiſt unlawful commands. All, or at leaſt the Governing Magiſtrates of Kingdoms and Cities, as *firſt impowered by God*, and then *conſtituted by Princes by Authority derived from the People*, ought to promote in their ſeveral Stations and Provinces, firſt the *Glory of God*, and of *Holy Church*, and then the Good and Welfare of Kingdoms, Cities, and Free States; and if they do not, it is in them *Crimen læſæ Magiſtatis*, and they become *participes criminis* by ſuch their ſinful connivence.

Let us now conſider what Biſhop *Bilſon*, Biſhop of *Winchester*, as learned and as honeſt a Biſhop, and as ſound a Divine as ever ſate on that See, and who hath written a moſt learned Treatiſe of the difference between *Chriſtian Subjection and Unchriſtian Rebellion*, in the days of Queen *Elizabeth.*

'The *Romans* did not love the name of King, and the Commonwealth of *Venice*, '*Millan, Florence* and *Genoa*, are of the ſame mind: many States have Governors for 'Life, and for Years, and yet a *Sovereignty ſtill remaining in the People or Senate*, or in 'the *Prelates and Nobles*, that elect, or aſſiſt the Magiſtrate; who hath his Juriſdiction '*allotted and prefixt* unto him, and may *be reſiſted and recalled from any tyrannous exceſs by* '*the general and publick conſent of the whole State.*

'In *Germany* the *Emperor* himſelf hath his bounds appointed him, which he may 'not paſs by the Laws of the Empire; and the *Princes, Dukes*, and *Cities*, that are under 'him, have Power to uſe and govern the *Sword as God's Miniſters* in their own charges. 'And though for the Maintenance of the *Empire* they be ſubject to ſuch orders as 'ſhall be decreed in the *Convent of all their States*; and according to that direction are 'to furniſh the *Emperor* with Men and Mony for his neceſſary Wars and Defences: 'yet *if he touch their Policies, infringe their Liberties, or violate the Specialties, which he by* 'Oath *and Order of the Empire is bound to keep, they may lawfully reſiſt him, and by force* '*reduce him to the Ancient Government; or elſe repel him as a Tyrant, and ſet another in his* '*place, by the Right and Freedom of their Country.* Bilſon's Subjection, *p.* 513.

'*Zuinglius*

'*Zuinglius* ſaith, That if the Empire of *Rome*, or any other Sovereign ſhould *oppreſs* '*the Truth*, and they negligently ſuffer the ſame, they ſhall be charged *with contempt* '*no leſs than the Oppreſſors themſelves.* Zuingl. lib. 4. Epiſt. Zuing. & Occol. f. 186. And 'elſewhere, when Kings *rule unfaithfully*, and otherwiſe than the Rule of the Goſpel 'preſcribeth, *they may with God be depoſed*; as when they puniſh not wicked Perſons, 'but eſpecially when they advance the ungodly and idle *Prieſts, ſuch may be deprived* '*of their Dignity, as* Saul *was.* Art. 42. Expl. f. 84. *So* God by *Jeremy threatned to deſtroy the men of Judah and Jeruſalem, for that they ſuffered their King Manaſſeh to be unpuniſhed*, King. 4. 21. Jer. 15. And yet the *People of Iſrael had no declared Sovereignty over their Kings, but only a tacite and implied Sovereignty by the Laws of God and Nature.* So when *Saul* would have put *Jonathan* his Son to death, the *People would not ſuffer him* ſo to do, but delivered *Jonathan that he died not*, 1 Sam. 14. When *David* purpoſed the reducing of the Ark, his Speech to the People was, *If it pleaſe you, we will ſend to the reſt of our Brethren, that they may aſſemble themſelves unto us: and all the Congregation ſaid, that they would do ſo; for the thing was right in the Eyes of all the People*, 1 Chron. 18.

After *Solomon's death, all the Congregation of Iſrael ſaid to Rehoboam*, 1 Kings 12. *make thy Fathers yoak which he put upon us lighter, and we will ſerve thee:* becauſe it lay in their choice to be ſubject or free from the Kings Power. The People likewiſe took *Jeremy* when he had propheſied againſt them, and ſaid, *Thou ſhalt die the death*, Jer. 26. And *afterwards reverſed their Sentence*, upon *Jeremy*'s declaring, That the words he ſpoke were commanded from God. *Bilſon* 514, 517.

The Duke of *Saxony* and the *Lantzgrave* anſwered the *Emperor*, 'Foraſmuch as *Ceſar* 'intendeth to deſtroy the True Religion, and our Ancient Liberties, he giveth us cauſe 'enough why we may with good Conſcience reſiſt him, as both by Profane and Sa'cred Hiſtories may be proved. The Miniſters of *Magdeburgh* declare, how the Infe'rior may defend themſelves againſt the Superior, compelling him to do againſt the 'Truth and Rule of Chriſt's Laws.

The *German* Lawyers made evident demonſtration, That the free States by the Laws of the Empire might defend their Liberties againſt *Ceſar*, to whom they were ſubject with that condition; ſo may any other Nation, if their Magiſtrates infringe their Laws and Liberties. In the Troubles of *Germany* Anno Dom. 1546. 'when the 'Duke of *Saxony* and the *Lantzgrave* were Preſcribed or Out-lawed, they remon'ſtrated, That if the Emperor had kept his Covenants, they would have done their 'Duties, but becauſe he began firſt to make the breach, the fault is his. For ſince 'he attempts to root out Religion, and ſubvert our Liberties, he giveth us cauſe enough 'to reſiſt him with good Conſcience; matters ſtanding as they do, we may reſiſt, as 'may be ſhewed both by Sacred and Prophane Stories. Unjuſt violence is not God's 'Ordinance, neither are we bound to him by any other reaſon, than if he keep the 'Conditions on which he was created Emperor. *Sleid.* 18. *p.* 212, 213. So the Magiſtrates and Miniſters of *Magdeburgh* declared, That if our Religion and Liberties, left us by our Fore-fathers, be preſerved, we refuſe no kind of Duty that ought to be yielded unto *Ceſar* or the Empire. Now, by the Laws themſelves it is provided, that the Inferior Magiſtrates ſhall not infringe the right of the Superior; and ſo likewiſe if the Magiſtrate exceed the limits of his Power, and command that which is wicked, we need not only not obey him, but if he offer force we may reſiſt him. *Lib.* 22. *p.* 366. *Anno* 1550.

'If a Prince ſhould go about to ſubject his Kingdom to a Foreign Realm, or change 'the Form of a Commonwealth from Impery to Tyranny, or neglect the Laws eſta'bliſhed by common conſent of Prince and People, to execute his own pleaſure. In 'theſe and other caſes which might be named, if the Nobles and Commons join toge'ther to defend their Ancient and Accuſtomed Liberties, Regiment, and Laws, they 'may not well be accounted Rebels, (modeſtly expreſſed) *Bilſ.* 520.

'The People may preſerve the Foundation, Freedom and Form of their Common'wealth which they fore prized when they firſt conſented to have a King, the Law of 'God giveth no Man leave to reſiſt his Prince. But Kingdoms and Commonwealths 'may proportion their States as they think beſt by their publick Laws, which afterwards 'the Princes themſelves may not violate.

'By Superior Powers ordained by God, we underſtand not only Princes, but all 'Politick States and Regiments, ſome where the People, ſome where the Nobles having 'the ſame Intereſt to the Sword that Princes have in their Kingdoms, and in King'doms where Princes bear Rule. *By the Sword, we do not mean the Prince's private will*

'*against his Laws, but his Precepts derived from his Laws, and agreeing with his Laws*; 'which though it be wicked, yet may it not be refisted of any Subject with armed 'violence. Many when Princes offer their Subjects not Juſtice but Force, and deſpiſe 'all Laws to practice their Luſts, not every, nor any *private Man* may take the Sword 'to redreſs the Prince; but if the Laws of the Land appoint the Nobles, as next to 'the King, to aſſiſt him in doing right, and withhold him from doing wrong, then 'be they licenſed by Man's Law, and ſo not prohibited by God to interpoſe them-'ſelves for the ſafeguard of Equity and Innocency, and by all lawful and needful 'means to procure the Prince to be reformed. 520, 521.

'Biſhop *Bedel*, a Reverend worthy Divine, in his Anſwer to Mr. *Wadſworth* to ſatisfie 'him, *quo Jure*, the Proteſtant Wars in *France* and *Holland* are juſtified, ſaith, That the '*Law of Nature doth not only allow, but inforce every living thing to defend it ſelf from vi-'olence.* Then the Law of Nations permitteth thoſe that are in the protection of others, 'to whom they owe no more than an honourable Acknowledgment, in caſe they go 'about to make themſelves *abſolute Soveraigns*, and *uſurp their Liberty*, to ſtand for the 'ſame. And if a lawful Prince, which is not yet Lord of his Subjects Lives and Goods, 'ſhall attempt to deſpoil them of the ſame, under colour of reducing them to his *own* '*Religion*, after all humble Remonſtrances, *they may ſtand upon their own Guard*, and be-'ing aſſailed, *may repel Force with Force*, as did the *Maccabees* under *Antiochus*. In 'which caſe, notwithſtanding the Perſon of the Prince himſelf, ought always to be 'Sacred and Inviolable, as was *Saul* to *David*. And laſtly, if the imaged *Miniſter of* '*a Lawful Prince* will abuſe his Authority againſt the Fundamental Laws of the Coun-'try, *it is no Rebellion to defend themſelves*, reſerving ſtill their Obedience to their *Sove-'reign* inviolate.

I mention theſe Two Biſhops only, as being above all exceptions, againſt whom no juſt objection can be made, either for Learning, Piety, Loyalty, or right Church of *England* Men. Which conſiderations I preſume kept them from being burnt in *July*, 1683. Which Act ſurprized not a few ſober Loyal Men; becauſe, if the learned Men of all the Reformed Church of *Europe* be conſulted, they will be found Aſſerters of the like Principles. Alas! to ſacrifice ſo many Worthy, Learned, Pious Mens Judgments to Fire and Fagot unheard, unrefuted, as it is not for their honour, ſo it is no more convincing, nor confuting, than that Doctors Argument, who would confute *Bellarmine* in Three words, *viz. Bellarmine* thou L.

CHAP. XI.

Kings not lawleſs, but bounded by Laws, and are accountable to thoſe who intruſted them with their own Power. Oaths and Covenants between King and People are equally binding: Reciprocal Duties between Parents and Children, Maſters and Servants, King and People. The Power of the People is by the Law of Nature; that of Kings is from the People, and fiduciary. As the Sword of the Spirit is the Word of God, ſo the Sword of the Magiſtrate is the Law of God and of Man. Obedience is a Holy thing when yielded to juſt commands; but void and ſinful when referred to unjuſt; and then natural Defence ſucceeds in its room. No mean between a Saint and a Brute. Law, by the Judgment of the wiſeſt Heathen, is both Lord and King of Men. Unjuſt force may lawfully be reſiſted by force.

WHAT hath been hitherto written, is diametrically oppoſite to that Pulpit *Leviathon Doctrine* of *quod libet licet*; and that Kings are obliged to no Law, nor accountable to any but to God. So *Julia*, the Mother-in-law to *Antoninus Baſſianus Caracalla* the Emperor, her Son-in-law, moſt impudently, *Si libet, licet, ne tu es imperatorem eſſe, & leges dare non accipere? Doſt thou not know that thy Will is a Law, and that it is thy right to give, not to accept, Laws from any?* And he acted accordingly. If this be good Doctrine, that *Jure Regio* they are abſolved of all Laws, and though they violate all humane Conſtitutions, yet are guiltleſs, or unaccountable to any but to God alone; certainly then there never was a Tyrant, nor ever can be, if they had been ſo capacitated by any Law of God or Nature as ſome moſt impudently have

(princes)

printed) God would never have preſcribed them Laws, nor have puniſhed them for breach of them. What is this leſs than to render Mankind (made a little lower than the Angels, and after the ſimilitude of God himſelf) to be governed no better than Brutes?

Can it ever be ſuppoſed, that God would ever ſubject his own ſimilitude, the Race of Mankind (for whom he hath done ſuch great things) to be harraſſed, pilld, polld, governed tyrannically, without any hope of Redreſs till the day of Judgment? Or, that any People ſhould be ſo void of Counſel and Senſe, as voluntarily to ſubject themſelves and their Poſterity to ſuch abominable ſlavery, and to make Kings to govern, and Laws to be governed by, and both ſworn to the obſervation of them in the preſence of God Almighty, and yet to eſteem Kings not obliged by thoſe Sacred Ties to keep them. The *Baſis and Eſtabliſhment of God's own Throne are righteouſneſs and judgment: and mercy and truth go before his face*, Pſalm 89. 14. & 97. 2. And if they, who call themſelves God's Lieutenants or Vice gerents, govern by Violence and Oppreſſion (as they all do that govern, not by an immediate appointment of God, or by common conſent of the governed:) *a fire ſhall go before them and burn them up as enemies to God and man*, Pſalm 97. 3. And whoever acquires a Power over any People, whether by dint of Sword, or by cunning Craft, or by conſent of Parties, and uſeth it to the detriment and not for the good of the People, are not to be eſteemed as rightful Kings, but as Enemies and Tyrants. Be it ſo, ſay the Pulpiteers, but by what Law ſhall they be puniſhed or reproved? Even by them, and by the ſame Right and Law that they themſelves are; there's no exceptions. And no Law of God or Nature ever preſcribed Impunity for Oppreſſion and Tyranny, and Wickedneſs over Men: *He that ruleth over men muſt be juſt, ruling in the fear of God.* So ſpake the *rock of Iſrael* unto *David* himſelf, a *King*, 2 Sam. 23. 3. *It's righteouſneſs that eſtabliſheth the Throne: and it's an abomination for Kings to work wickedneſs.* So King *Solomon*, Prov. 16. 12. When *Solomon* Eccl. 8. 2. 34. preſcribes to *keep the Kings commandment, and that in regard of the Oath of God, and not to ſtand in an evil thing: for he doth whatſoever pleaſeth him, and where the word of a King is, there is Power: and who may ſay unto him, What doſt thou?* All theſe are ever to be underſtood of things lawful to be commanded, and of things lawful to be done; otherwiſe this undoubted Truth is to be obſerved, *viz. we ought to obey God rather than man*, Acts 5. 29. Beſides, *Solomon*'s counſel here was to ſingle and particular Men, not to *Aſſemblies*, and *Dyets*, and *Senates*, and *Parliaments*, and *great Councils, who have a ſhare in making Laws*, and conſequently *co-ordinate* in the Government. Though all Writs, Proceſſes of Law, Executions, and Edicts, paſs under the Title of one ſingle Perſon for the ſake of order, yet he that ſendeth out Writs is to be obedient to thoſe very Writs, and to thoſe Laws, as well as they to whom they are ſent.

Beſides, what Generation of Chriſtians in the World ſo void of Reaſon as to ſwear Fealty and Allegiance to Kings, except they again reciprocally ſwear to obſerve the Laws Divine, and of their Country. So the *Rubenites*, and the *Gadites*, and the *half Tribe of Manaſſeh promiſed obedience to Joſhua, but as they did to Moſes, on condition that God be with him, as he was with Moſes*, Joſ. 5. 17. If they can ſhew a Patent from Heaven, as *Moſes* and *Joſhua* had, by an immediate Call, and God's Promiſe to be with them as he was with *Moſes and Joſhua, never to fail them, nor forſake them*, then may we all *lay our hands on our mouths, and proceed no farther*, Job 40. 5. And yet if they had the like Patents, yet from ſuch Patents, no Authority could be drawn to oppreſs or tyrannize over any People; but if not ſo, nor ſo, why ſhould not Chriſtians (in *whoſe inward parts God hath put wiſdom; and who hath given underſtanding to their hearts*) who make Kings from among themſelves, and take Oaths of them for performance of Agreements, maintain and defend their own juſt Rights and Liberties: God never broke his Covenants, but puniſhed the People that brake theirs; and why ſhould his Vicegerents break their Covenants, and yet be thought guiltleſs, or unqueſtionable?

The *Jews* who were the moſt ſtif-neckt, moſt rebellious, and moſt ungrateful Nation under the Cope of Heaven, and provoked God to the uttermoſt (as if they did it purpoſely to *non plus* and pote his very Mercy;) and they provoked *Moſes* alſo (the Man of God, and the meekeſt Man upon Earth) beyond all his Patience; ſo that he caſt the very *Tables of the Teſtimony (the Work of God, and the Writing of God, graven upon the Tables) out of his hands, and brake them beneath the mount*, Exod. 32. 11, 16, 19, 32. yet was he ſo far from oppreſſing or tyrannizing over them, that *he wraſtled with God Almighty* with ſtrong and importunate Prayers for their Good: *Why doth thy wrath wax hot againſt this People?* nay, ſo importunate was he for their Pardon, that though God had promiſed to make of him a *great Nation*, though he ſhould deſtroy them,

them, yet he beſought God ſo earneſtly, that if he would not forgive their ſin, *that he would blot him out of the Book of Life.*

If Magiſtrates now adays had the like zeal for the good of the Bodies and Souls of their People, how happy would *Kings*, how happy would the *People* be? When the *Iſraelites* by reaſon of the ill Government of *Samuels Sons*, deſired a *King* like all the Nations, *God* (whom by ſuch deſires they had rejected, yet) told them the *manner and cuſtom of thoſe Kings*, (Heathens you may be ſure, who knew not God nor his righteous Judgments,) 2 *Sam.* 8. 11, 12, 13. was very Arbitrary governing by an Army, that they may go in and out before them, and fight their Battels, and judge them Arbitrarily; yet ſo peremptory were they, that they rejected the juſt, and a righteous, and eaſy Government that God had appointed over them: *Nay but we will have a King over us as other Nations*, and they had one that uſed them accordingly. Therefore *Solomon* might well ſay as in *Eccleſiaſtes*, *I counſel thee to keep the Kings Commandment, for he doth whatever it pleaſeth him. Where the word of a King is there is Power, and who may ſay unto him, What doſt thou?* It being then the manner of the Kings of Nations (Heathens,) ſo to govern *& volenti non fit injuria*; which manner remains even to this day among the *Eaſtern Princes*; and let them that delight to be ſo governed, have their Belly full of it. But God hath provided better Laws, Judgments and Statutes for his People, whom he hath choſen out of all Nations to be a *Peculiar People*, Redeemed by the Blood of his only begotten Son Jeſus Chriſt, bleſſed for ever. *Where the Word of a King is there is Power, and who may ſay unto him what doeſt thou?* This he wiſely advised to thoſe who would be ſo governed, and to Single Perſons, but not to *whole Kingdoms*, or their *Repreſentatives*; the practice was otherwiſe even by Gods own command. *Elijah told Ahab that he and his Fathers Houſe had troubled* Iſrael, 1 *Kings* 17. 18. Samuel *told* Saul, *thou haſt done foolishly*, 1 Sam. 13. 3. So *Nathan told* David *thou art the Man.* 2 Sam. 12. 7. *Obj.* But theſe Men were extraordinarily commiſſionated. *Sol.* Be it ſo, ſo are all they Commiſſionated that follow their Example, though not immediately from God himſelf, yet tacitely, by his general Commands univerſally and eternally true. *Viz. Thou ſhalt not hate thy Brother in thy heart; thou ſhalt in any wiſe rebuke thy Neighbour, and not ſuffer Sin upon him*, Levit. 19. 17. *Is it fit to ſay to a King thou art wicked, and to Princes ye are ungodly?* Saith *Job.* 34. 13. *Reprove not a Scorner leſt he hate thee, rebuke a Wiſe man and he will love thee.* Prov. 9. 8. Theſe are prudential Documents how to manage rebukes, but exempts not Kings and Princes from being rebuked. *He that rebuketh the wicked getteth himſelf a Blot*, ver. 7. In ſuch caſe the Apoſtles give good Advice, *Give not that which is holy unto Dogs, neither caſt Pearls before Swine, leſt they trample them under their Feet.* Indeed if *Kings* and *Princes* are ſuch *Bruits*, then *Tophet is prepared for them*, and ſhall be their Doom, *Iſa.* 30. 33. And Men will be wiſer than to run their Heads againſt Brick Walls: But *Truths ſeaſonably ſpoken, can do no man no wrong*, and ought graciouſly to be received. *Solomons* intimation is good, *Where the word of a King is there is Power, and who may ſay unto him what doeſt thou?* Eccl. 8. 4. Indeed it is a folly in any Man to contend with any Man, King or not King, that is mightier than he, *Eccl.* 6. 10. But all theſe Apothegms relate chiefly to Private Perſons, not to whole States and Kingdoms, who have juſt Power to defend their juſt Rights againſt Princes that uſurp more Power to themſelves than ever God and the People gave them. And to urge *Samuel a Prophet* in a wrong ſenſe, is with the *Witch at* Endor, to raiſe a Falſe and Counterfeit Prophet. 1 *Sam.* 28. 11, 12. Can it ever be imagined that God gave *countenance* or encouragement to Kings to work Wickedneſs, to oppreſs, or violate all Laws and Covenants, and yet be blameleſs and unaccountable here on earth? *He hath commanded no man to do wickedly, neither hath he given any man licence to ſin.* Eccl. 15. 20. God never breaks his own Covenants, but keeps them for ever, and always puniſhed them that did; and ſhall they who call themſelves his Vicegerents, like Wild Boars of the Forreſt, or like Bears robb'd of their Whelps, break through all Laws and Bounds, and yet be blameleſs and unaccountable to them who made them Kings, deſignedly to be ſubject to Laws, and not to deſtroy them; or like Foxes of the Wilderneſs, by craft and ſubtilty, by ſhamming Laws, or perverting Righteous Judgment; or by packing, an Alteration in Government, and ſlide thereinto inſenſibly by tricks and quirks of Law; or to draw Arguments from the manner and cuſtom of *Kings Heathen*, for *Jus Regium* to be the Right of *Kings Chriſtian to do as they liſt, quod libet licet*, uncontrolably, is as much as in them lies to do as the Rebellious and Ungrateful *Iſraelites* did, wilfully, ſet at naught and reject the Government which God eſtabliſhed by his infinite Wiſdom.

When

Where ſuch Doctrines are embraced as true, what better conditions are Chriſtians under than Heathens, nay, then Brutes? Did God, think you, create the whole Race of Mankind, without reſpect of Perſons, after his own Image, a little lower then the Angels, and crown them with Glory and Honour, and give them dominion over the works of his hands, and put all things under their Feet, and yet at the ſame time to ſubject them to Axes and Harrows, to Thorns and Briars, to the luſts and pleaſures of a few Kings, choſe by themſelves from among themſelves, for the ſake only of Order, Peace and Well-fare of them all?

It's true, that ſeeing the *Iſraelites* (notwithſtanding God cautionating of them,) were ſo fool-hardy as to reject God in rejecting his Government, yet he did gratify them, but in his diſpleaſure, in what they deſired, and they felt the ſad effects thereof. But from *Deut.* 17. 14, 16. it may be gathered and concluded that the People have a juſt Right and Title to chooſe whether the Commonwealth ſhall be governed by one or more, and may change it from one kind of Government to another, as ſhall beſt pleaſe themſelves. But in all Governments God is always to be Preſident, *i. e.* His Laws are always to be had in remembrance and obſerved; and they who govern otherwiſe, are not to be accounted as *Kings*, but as *Enemies*, not as Gods Vicegerents, but as the Devils, and may be proceeded againſt accordingly.

O, but *ye ſhall be his Servants*, 1 *Sam.* 8. 17. Very well, and well they deſerved to be ſo, and *Slaves* to boot, as they afterwards were, that after *Samuel* from the mouth of God himſelf had ſolemnly proteſted unto them, read their deſtiny, ſhewed them what would betide them, and that when it did happen, though they *ſhould cry out in that day becauſe of their King which they had choſen, the Lord would not hear them*, ver. 18. that yet notwithſtanding all theſe forewarnings, would yet reject God's Righteous and eaſy Government for a Heatheniſh; they were but juſtly ſerved, and their uſage afterwards was but a juſt recompence and reward of their rejection and folly: for *Saul* had never been *King* if they had not choſen him, and it was in wrath and diſpleaſure that God gratified them therein, as a puniſhment of their Folly and Rebellion, which is no Juſtification, but a Condemnation rather of that kind of Arbitrary Government; and therefore the ſame *Prophet* told them alſo, *That if ſtill ye ſhall do wickedly, ye ſhall be conſumed, ye and your King*; and ſo it proved.

Thoſe our Teachers are but falſe Prophets, that teach, that the Right of Kings is ſet down by *Samuel*, chap. 8. and ought to be puniſhed; for neither did the People of *Iſrael* ever allow, or the Kings avow any ſuch power to be their juſt Right, as appears by the Story of *Ahab* and *Naboth*. Some indeed did exerciſe it, but that is no more a proof of the right thereof, than their practice of Adultery, Idolatry, or of any other ſin, was of the lawfulneſs of ſuch ſins. When *Cambyſes* deſigned to marry his Siſter, his *Magi* told him that no Law did allow it, yet there was a Law which did allow the King of *Perſia* to do what he would. Juſt ſuch *Magi* are our Prieſts, that teach that there is no Law for Kings to Tyrannize or Oppreſs, yet if he do, he is unaccountable. If this had been the right of the Kings of *Iſrael*, that *lex Regia* commanded, *Deut.* 17. and the ſtrict injoyment of the perpetual reading, peruſing and obſerving the Book of the Law, was in vain and to no purpoſe.

What if the Rebellious, Stubborn and Stiff necked *Jews*, *a fooliſh People and unwiſe*, had a mind to be ſo governed? what doth it concern Chriſtians, thoſe that know better things, have more wit and more grace, and willing to enjoy the liberty and freedom that God hath given them in a Government where their Kings are ſolemnly obliged by Laws and Oaths, as well as themſelves, whereby their duties become reciprocal, and obedience due, and expected accordingly.

Beſides, is it rational to believe any People except *Jews* (that to day will *have a King* like other Nations, and to morrow *will not have this man rule over them*, and that with curſed Imprications, *Let his Blood be on us and our Children*, which is ſtill executing even to this very day,) to be ſo ſottiſh to give Kings ſuch vaſt Revenues, and ſuch abſolute unqueſtionable Powers, as to *whip them with Scorpions, and tear their Fleſh with Briars and Thorns* impune, and none to ſay unto them, Why do you thus? O, but the Prophet tells you, *Ye ſhall be his ſervants*, 1 Sam. 8. 17. True; and the Prophet tells you, their *Kings ſhall miniſter unto thee*, i. e. to the *Church*, Iſa. 60. 10. And thus ſaith the Lord, *I will lift up my hand to the Gentiles*, (*i. e.* The Church which ſhall be gathered by the Preaching of the Goſpel, which Church we are) and they *ſhall bring thy Sons in their Arms, and thy Daughters ſhall be carried on their Shoulders: And Kings ſhall be thy Nurſing fathers (to carry them in their Boſoms, as Nurſing-fathers beareth the ſucking Child*, Numb. 11. 12.) *and Queens ſhall be thy Nurſing-mothers; they ſhall bow down to thee with their Face towards the*

Earth, and lick up the duſt of thy Feet, Iſa. 49. 22. 23. in which *Church Chriſt her Head* is always included, and always to be underſtood. As for the place in *Samuel, ye ſhall be his Servants*, it is but a foretelling and premonition that he would make them ſo, be it right or wrong; not that they had any juſt right to make them ſo, but be it ſo, what then, even then alſo there is a reciprocal duty between Maſters and Servants: *Servants are to obey their Maſters in ſingleneſs of Heart as unto Chriſt, with good will, doing ſervice as unto the Lord*, Eph. 6. 5, 6, 7, 8. So the Maſters are to do the like things unto them, *forbearing Threatning, knowing alſo that your Maſter is in Heaven, neither is there reſpect of Perſons with him*, ver. 9. Such Service all Subjects owe to their Princes, and other Services no Prince ought to command. *Job* who was the greateſt man of the *Eaſt*, ſolemnly proteſted to God his Integrity towards his very Servants, *If I did deſpiſe the cauſe of my Man-ſervant, or of my Maid-ſervant when they contended with me; what then ſhall I do, when God ariſeth up, and when he viſiteth, what ſhall I anſwer him? Did not he that made me in the Womb make him? And did not one faſhion us in the Womb?* ch. 31. 13, 14, 15. By which it is apparent that there are reciprocal duties between King and Subject, between Maſter and Servant. So the *Gibeonites, who were ſent from the Elders, and all the Inhabitants of their Country, became Servants unto Iſrael, with whom all the Elders of the Congregation made a League with them, and did ſwear unto them, which though the* Gibeonites *got ſurreptitiouſly, yet they ſolemnly kept it, and would not ſmite them when they came before their Cities, becauſe the Princes of the Congregation had ſworn unto them*, Joſh. 9. 11, 12, 13, 14, 15.

As there were Laws for Children, Strangers, Men-ſervants, and Maid-ſervants, ſo there were Laws for Kings, Parents, and Maſters by Gods own preſcription, and to be reciprocally obſerved; *If a Stranger ſojourn with thee in your Land, ye ſhall not vex nor oppreſs him, but he ſhall be unto you as one born amongſt you, and thou ſhalt love him as thy ſelf, for ye were Strangers in the Land of* Egypt, *I am the Lord your God*, Exod. 22. 21. 19. Lev. 34. Shall theſe have their remedy againſt their Lords and Parents? And ſhall a free People, whole Nations, be left to mercileſs Tyrants without Remedy? Laws for the King, *Deut.* 17. 17, 18, 19, 20. So *Jerem.* 22. 3, 4. Call to mind the bondage and cruel uſage of Gods own People the *Jews* in *Egypt*, who becauſe they were under no reciprocal Covenants, nor had power to relieve themſelves, therefore God himſelf ſtood up in quarrel of his own Covenant, and pleaded their cauſe, and brought them out of that *Iron Furnace with a high hand, and ſtretched out Arm*, in deſpight of the Lawleſs Hectoring *Pharaoh*, whom neither the Plague of Frogs, nor Lice, nor Flies, nor Murrain of Cattel, nor Boyls, nor Blains, nor Hail, nor Locuſts, nor loſs of Cattel, of Fruits, of Water, and of the Firſt-born of all the Land, could prevail with him to let go his ſin, nor the *Iſraelites*, but will once more ruſh into the midſt of a wonderful deliverance of *Iſrael*, and venture his own and his Peoples Lives; and for what? for but the bondage of his Enemies, and ſatisfaction of his Luſts. And if *Herods* Son ſtand in the way of his ambitious ſecurity, it were better be his Hog than his Child. *Melius Herodis Porcum eſſe quam Filium*, Macr. Satur. 72. So that the Advocates of Arbitrary Power muſt juſtify *Pharoah* in all his oppoſition againſt God, and oppreſſion of *Iſrael*. Moreover *Pharaoh* had more to ſay for the Juſtification of his Tyranny, than ſome other Zamzummims can pretend to, *viz.* that he was under no tyes of Civil or Religious engagements, no reciprocal Oaths between him and *Iſrael*, but having them in Bondage, he ſeems to have ſomething like a right of impoſing his will for Law upon *Iſrael*, yet accounted this Tyranny and Wickedneſs in *Pharaoh*, Exod. 3. 7, 8. So caitiff and prevalent a ſin is the impetuous deſire of Impery and Revenge tho to our utter ruin and deſtruction.

We all naturally love Domination and our Luſts better than our Lands; we had rather part with Thouſands of Rams, and Ten Thouſand Rivers of Oyl with the Fruit of our Bodies, than with the Sins of our Souls, which was the Leaven which fermented and boyled in the breaſts of theſe Lawleſs Hectors. And doth not the ſame leaven of Haughtineſs, of Oppreſſion and Revenge, ferment and boyl in the Hearts and Breaſts of thoſe in our days, who ſo rule and ſo reign and ravage over whole Nations their Subjects? Is it probable that God who having ſeen the afflictions of his People, and heard their groaning, and after he had ſhewed wonders and ſigns in the Land of *Egypt*, and in the Red-ſea, and in the Wilderneſs Forty Years, who for their ſake *ſmote great Nations, and ſlew mighty Kings*, Sihon *King of the* Amorites, *and* Og *King of* Baſhan, *and all the Kingdoms of* Canaan, *Thirty one in number*, Joſh. 12, *and gave their Land for an Heritage unto* Iſrael *his People*, Pſal. 135. 10, 11, 12. *and taught them Statutes and Judgments to do and govern themſelves by and in that good Land which he had given them*

them in poſſeſſion which were ſo righteous that no Nation under Heaven had the like, and which all Nations would confeſs that this great Nation was a Wiſe and Underſtanding People, who hath God ſo nigh unto them? Is it probable I ſay that God after he had delivered them ſo miraculouſly from ſo great thraldoms (of *quod libet licet*) ſhould yet ſubject them to the like Lawleſs Perſons or Governments in the world? Examine all his Laws, obſerve all his Statutes, ſearch all his Judgements, and you'l not find any the leaſt footſteps that way tending, only he foretold them what their Kings would do; therefore they conclude that it was their juſt right ſo to do. And becauſe he ſaid they ſhall be his Servants, 1 *Sam.* 8. 17 therefore he had Right to make them his Slaves, and uſe them like Bruits; whereas nothing probably is thereby meant more than that they ſhould be his *Servants to pay Tribute*, Gen. 49. 15. and to ſerve in his Army, when he went out to fight their own Battels, *Gen.* 49. 15. But if Slaves be meant thereby, yet it was violent and tyrannous, becauſe they had no Law of God or man to entitle them juſtly ſo to rule over them; ſo that the Prophet did only declare what they would do, not what was their Right to do. Now if it be lawful to cry unto God for deliverance, it is lawful alſo to uſe any rational lawful means and endeavours to extricate and relieve themſelves. They that will chooſe a King to the diſpleaſure of God Almighty, its but juſt they ſhould endure the *Iron Furnace* without his Relief. Can any men (not brutiſhly prepoſſeſſed,) believe that God who never breaks his Covenants, but keeps them even with his greateſt Enemies and Rebels, even with the moſt ungrateful and ſtiff-necked *Jews*, and yet ſhould eſtabliſh a Right in Kings and Princes not only to break theirs, but to leave the People without a Remedy till Doomes-day in the Afternoon, till the day of Judgment; there's no doubt then but that they would be all of the *Welſh*-Mans mind, and cry, *Let her alone till then, and drive on ſtill.* When *Samuel* told the *Iſraelites* the manner of the King that was to reign over them, was it any more or other than what *Eliſha* told *Hazael* when he ſhould be King what he would do unto the children of *Iſrael*, viz. *Their Strong Holds wilt thou ſet on Fire, and their Young Men wilt thou ſlay with the Sword, and will daſh their Children, and rip up their Women with Child.* Did *Eliſha* by this his Propheſy declare, that *Hazael* when a King had juſt right ſo to do? *Surely no*; for *Hazael* being convinced of the contrary, with great Indignation anſwered, *What is thy Servant a Dog, that he ſhould do this great thing*, 2 Kings 8. 12. 13. And yet to urge *Samuel* for proving an unlimiting power to be of right in Kings to do what they liſt uncontrolably, what is it leſs then matchleſs Impudence and horrible Impiety? When the *Prophet* Jeremiah *told* Coniah, *this hath been thy manner from thy Youth, that thou obeyeſt not my voice*, Jer. 22. 21. Did he by telling him of that wicked manner and cuſtom of his, in not obeying his voice, reproach him, or declare a right that he had to do ſo? No more did *Samuel* by telling the *Jews* the manner of the *Heathen Kings* derive a right to the *Jewiſh Kings* ſo to do; but be the true meaning what it will, what doth it concern Chriſtians, who chooſe Kings, Princes, Dukes, Emperors and Captains general from among themſelves, grant them Commiſſions, give them Tribute, grant them Powers, oblige them by ſolemn Oaths to govern (it's true) in their own names, but *by their Power* conferred on them and for their Goods, which if they abuſe, it devolves and returns back to them who gave it, and they cannot deveſt themſelves of it, in which God concerns not himſelf immediately with it, either by *Dreams*, or *Viſion*, or by *Urim*, or by *Prophets*, but hath 1 *Sam.* 26. 6. given them general Precepts in holy Writ to govern themſelves by, *to chooſe able men, ſuch as fear God, Men of Truth, hating Covetouſneſs, and place ſuch over themſelves*, &c. *Exod.* 18. 21. and hath given *Laws and Bounds to Kings*, &c. *Deut.* 17. 17, 18, 19. which Laws tho' they moſt particularly concern Kings, yet they are not thereby diſobliged from the obſervation from all the other Laws of God, to which the whole race of Mankind without reſpect of Perſons is bound to obſerve and keep; ſo that ſince the days of the Prophets the Chriſtians neither ask a King by them, neither do receive any one by his immediate appointment, *but make Kings of one from among themſelves* according to the Law of Nature, and of Nations, obſerving Gods holy Laws and Precepts. When *Samuel* 1. 10. 25. told the People the manner of the Kingdom, he wrote it in a Book, which Book ſay the Hebrew Doctors the Kings either tore or burnt, that they might more freely tyrannize.

Though the Pulpits do not march *quatuor pedibus* along with *Leviathan* in his Dogma's of Arbitrary Power in Kings and Princes, of *quod libet licet* in the Twentieth Chapter of his Second Part, and elſewhere *ſparſim*, yet they go hand in hand with him thus far, That if Kings do act contrary to the Laws of God, and Nature, and of Man, yet *they are reſponſible and accountable to none but to God himſelf*: Whereas there is not one plain

Text

Text or Syllable in the whole Bible (maugre all falſe gloſſes) that concludes any thing for Kings being unaccountable unto human Judgments, or that they have an abſolute Power, or Divine Prerogative: So that in ſumm, The Pulpits and *Leviathan* are ſo far agreed, as to dogmatize Lyes and falſe Doctrines, for to juſtifie that Kings (maugre all mutual and reciprocal Laws, Pacts, and Covenants,) may act and govern how they pleaſe: And to juſtifie and aſſert, that they ought not ſo to Govern, but to obſerve the Laws of God, of Nature, and of Men; but yet if they do not, they are notwithſtanding reſponſible and accountable to none on Earth but to God only for their ſo doing; which in truth differ in their conſequences no more than Herring-men do from Fiſher-men, and both ſtink in the Noſtrils both of God and of all good Men, as deſtructive to the well being and good Government of all human Societies, and have no ſound Foundation in the *Law of God*, of *Nature*, or of *Reaſon*, but are contrary to them all; for *jans* doubt, *they that have Authority to give and apply Power to this or that Perſon, have Authority alſo to cenſure his Actions againſt the Law of Nature.* 1. Self-preſervation (than which nothing is more dear, and which Nature ſeeks by all means and endeavours to preſerve as inviolable) is common to a Man, with all other Animals, (if you tread but upon a Worm it will turn; and if it have a Sting, or a Fangue, or a Poiſon, have at you.) 2. Then whatſoever may conduce to its other Happineſs or its well-being, it labours to obtain them, and to avoid the contrary, and to hate and revenge the Oppoſers, ſo that *vim vi repellere* is as natural to Man as to all other Animals. Other Laws of Natural conſequence implanted and grafted in him in his firſt Creation for the better Reglement of Communities throughout the whole World, as *to do good to all, to hurt no Innocents, to keep Covenants, Promiſes, and Contracts faithfully, to contribute their utmoſt to procure the Happineſs of the whole* of that Kingdom, that Commonwealth, or that Society, or Community, whereof they are Members. All which are utterly confounded and deſtroyed by ſuch *Leviathan* Pulpit Doctrines. 3. It's againſt the Law of Men and Nations, for where ever there are Laws between Kings and People (wherein *Salus Populi* is ever to be preſumed to be the *Supreme Law*, for that God made the whole Creation not only for the Neceſſities, but for the Delights alſo of the whole Race of Mankind in general, and equally, without reſpect of Perſons,) ſolemnly made, and ſworn unto by mutual conſent; there they do mutually, reciprocally and ſolemnly bind each other: And the Sword placed in the Magiſtrates hand, is not as the material Sword in the hand of *Alexander*, not to untie but to cut the Traces of that fatal *Gordian Chariot*; but *the eſtabliſht Laws are the true Sword* to which both King and People muſt ſubmit, and be reſponſible; if otherwiſe, making of Laws were but *Leonis Catulum alere.* vid. Eraſ. Adag. *p.* 1. 709. For as the *Sword of the Spirit is the Word of God*, ſo the *Sword of Magiſtrates are the Laws of God and of Man*: All which Rights and Priviledges of Mankind are utterly deſtroyed if this Doctrine be good Doctrine; *Oaths* between *King* and *People* being of the ſame nature with that between *Rahab and the Spies*; which if not *performed by her, they were to be quit of the Oath which She had made them to ſwear*: For *Kings* though in Title, in the execution of Laws, and in many Prerogatives, they are *ſingulis majores*, yet in the main they are *univerſis minores*; the reaſon is irrefrigable, for that *the People make Kings, and not Kings the People*: And the like reaſon, Chriſt is the everlaſting Head of the Church, becauſe *Chriſt made and ordained the Church to be his peculiar People, and not the Church Him the Head of them.* In Paternal Government which is indiſputable, there the Fathers beget the Children, and not the Children the Father, and they owe him Obedience, though moroſe and bitter to them; yet *if he prove a Tyrant over them their Obligation to him is cancelled*; and if he Murder any of them, he himſelf ſhall ſuffer Death. Nature gives Fathers to the People, but the *People make Kings to themſelves*, and therefore *Kings are conſtituted for the People, and not the People for Kings.*

Some places of Scripture are urged, though of very little force when brought to the Teſt and well examined. As firſt, *let my Sentence come forth from thy preſence: let thine Eyes behold the things that are equal*, Pſalm. 17. 2. What hath this Text to do more particularly with the Government between Kings and their People, than with all other troubles and afflictions that Mankind in general is ſubject unto, *&c.* being as applicable to every particular Perſon perſecuted and in troubles, as to King *David*; here, in confidence of his Integrity, craveth defence of God againſt his Enemies, and ſo may any Body elſe; but it proves nothing that Kings if they oppreſs their Subjects ſhall be accountable to none but to God Almighty: It doth prove that any oppreſſed King, or not King, may appeal unto God to plead their Cauſe, and Protect and Defend them; And if it be lawful ſo to Pray, it is lawful to put to their own helping

Hands

Hands to relieve themſelves by any lawful means and endeavours, and pray to God to bleſs their endeavours, and ſo by their prayers and endeavours to co-operate together: 'tis an Appeal to God to judg between him and his Enemies. And is it not lawful, nay, the duty of all States and Kingdoms to make the like Appeals and Supplications to God Almighty? It's probable that *David* wrote this *Pſalm* when he was troubled and perſecuted by *Saul*, even after he was anointed of God, and becauſe he did then make Supplications and Appeal to *Jonathan* for his life, if *there be iniquity in me ſlay me thy ſelf, for why ſhouldſt thou bring me to thy Father?* Will it follow therefore that court was to be made to *Jonathan* only? I doubt not. This is a great Example and Encouragement to thoſe that are falſly accuſed to appeal to God by Prayers and Supplications for help; and the reaſons that follow are great, *viz. thine Eyes behold the things that are equal, and he tries the heart*, verſe 2, 3. But what ſignifies this to prove that Kings are accountable to none but God for Male Government? Another abuſed place of Scripture is *Pſalm* 51. 4. *Againſt thee only have I ſinned, and done this evil in thy ſight, that thou mighteſt be juſtified when thou ſpeakeſt, and be clear when thou judgeſt.* That Men of the ſame temper and complexion with *Leviathan* ſhould urge places of Scripture and make falſe gloſſes upon them, I wonder not at all, but that the Pulpits ſhould Chime and Ring to the ſame Tune, I am in an amaze. Do they believe themſelves? Or have they forgot their *Pater Noſter? Forgive us our treſpaſſes, as we forgive them that treſpaſs againſt us. If one Man ſin againſt another, the Judge ſhall judge him, but if they ſin againſt the Lord, who ſhall intreat for him?* 1 Sam. 2. 25. So 1 Cor. 8. 12. when ye ſin againſt the Brethren to commit Murder, Adultry, *&c.* and yet ſin againſt God only, happily may be good Doctrine according to the *Alcoran* or *Leviathan*, but certainly *can have no place in Scripture*, no not in this Pſalm, which is a Pſalm of *David's deep repentance*, confeſſing his ſins to God and begging his pardon. *David's* heart having ſmote him for theſe his ſins againſt *God and Uriah*, did in the bitterneſs and anguiſh of his Soul proſtrate, make his court to God his Judge, and beſought him more eſpecially; who only *trieth the hearts and reins*, acknowledging his ſins and begging his pardon, *who only had power of Soul and Body, of Life and Death eternal*, and ſo only could acquit or puniſh eternally, and *to create in him a new heart, and to renew a right ſpirit within him*, which no mortal had the like; and therefore by *only* in this place, can be meant no other but thee chiefly, thee eſpecially, according to *Matth.* 10. & *Luke* 12. *He did not fear them which had power to kill the Body only, but not able to kill the Soul; but did fear him which after he had killed the Body had power to caſt into hell.* For *David* had already condemned himſelf to death before he knew himſelf to be the Man mentioned in *Nathan's Parable*, 2 Sam. 12. 5. And *David's* anger was greatly kindled againſt the Man, *and he ſaid to Nathan, as the Lord liveth, the man that hath done this thing ſhall ſurely die.* Have they not read what *Jonathan* ſaid to *Saul? Let not the King ſin againſt his ſervant, againſt David, becauſe he hath not ſinned againſt thee*, 1 Sam. 19. 4. did *Saul a King* ſin againſt *David a private perſon*, and his Subject, in ſeeking his innocent Blood? And ſhall *David* when *King covet his Neighbour* Uriah's *Wife*, and *ſeek the innocent Blood of* Uriah *himſelf, and yet not ſin againſt* Uriah? *Quis diſcrevit? Who hath made the difference*, who exempted him? Falſeſt Teachers, that would be eſteemed Men of God, Prieſts of the moſt high, and yet teach Doctrines more becoming *Prieſts of Baal, Men of Belial.* Did not *David* ſin againſt the Tenth Commandment, and againſt his Neighbour alſo, when he coveted his Neighbours Wife, and purchaſed her adulterous embraces at the rate of innocent Blood, may they not as well plead the like plea, and juſtifie *Ahab ſinning againſt God only, and not againſt Naboth*, when he purchaſed his Vineyard at the price of his innocent Blood? 1 *King.* 21. 19. 2 *King.* 9. 33. 36. If *David* had Power to ſhed the innocent Blood of *Uriah*, and debauch *Bathſheba* uncontrolably by Man, it is either from God, or not from God; if it be from God, it muſt be a Power againſt the Six and Seventh Commandments; which God gave to *David*, and not to any Subjects; and ſo *David* lyed when he confeſſed it a ſin which was none, and conſequently needed no pardon; and ſo conſequently Kings, becauſe Kings, are under no Obligation of Duties, of Mercy, Truth, Juſtice, *&c.* to their Subjects, which is *contrary to all Scripture*, Deut. 1. 15, 20. & 2 Chron. 19. 6, 7. Rom. 13. 3. 4.

If this Power be from God, as it is unreſtrainable and unqueſtionable by the Subject, it cannot be from God at all, *for God cannot give a Power to do ill, that is unpuniſhable by Men, and not give that Power to do ill*; for in this very thing that God giveth to *David* a Power to kill and commit Adultery with this reſpect, that it ſhall be puniſhable by God only, and not by Men, God muſt give it as a ſinful Power to do ill, *i. e.* a Power of Diſpenſation to ſin, and ſo not to be puniſhed by ei-

ther God or Man; which is contrary to the whole deſign and purport of the Scriptures.

If ſuch a Power as is not reſtrainable by Man be from God *permiſſive*, as in Devils and Men, *then it is no Regal Power*, nor any Ordinance of God, and then to reſiſt ſuch Power is not to reſiſt the Ordinance of God. For Prieſts to preach *Kings* to be *Nurſing-fathers of the People, and to be* cuſtodes utriuſq; tabulæ (as indeed they ought to be) and yet to preach that if Kings do break the Commandments, yet they ſin againſt God only, and are accountable to God only, is Divinity becomming only *Micha*'s Prieſts, that for a little better reward and hope of preferment will with gladneſs of heart *take Ephod, take Teraphim, take graven Images, preach any thing, ſwallow down theft and idolatry together*, pervert any Text, though thereby whole Nations are rob'd and deſpoiled of their Laws, Liberties, and Religion. Falſeſt Prophets! that thus *flutter profaneneſs, betraying God's truth, and ſmothering and diſſembling the ſtrictneſs and purity of his ways, ſtriking at ſin with the Scabboard and not with the Sword; extenuating evil, palliating Vice, daubing with untempered Morter, and by divining Lyes to ſeduce Kings and Princes.*

If *Kings* can do no wrong to their People, and are accountable to God only, what made *Samuel* to make publick proclamation, *Behold, here I am, witneſs againſt me before the Lord, and before his anointed: Whoſe Ox have I taken? or whoſe Aſs have I taken? or whom have I defrauded? whom have I oppreſſed? or of whoſe hand have I received any bribe to blind my Eyes therewith? and I will reſtore it to you*, 1 Sam. 12. 3.

So *Lewis* IX. for his great Piety and Devotion *ſirnamed the Saint*, the *French* King, being fully ſatisfied in his Conſcience, that Sovereigns are reſponſible by Laws both divine and human for all the miſcarriages of themſelves and of their ſubordinate Miniſters, cauſed to be publiſh'd through all his Kingdom, *That whoever had ſuffered any wrong or damage by him, or by any belonging to him, ſhould make it known, and he would give them ſatisfaction out of his own Eſtate; which was punctually performed accordingly.* To me 'tis a wonder, and I am in an amaze, how any Man can be ſo biaſſed or corrupted in Judgment (except poſſeſſed with an evil Spirit) as to draw ſuch Concluſions from ſuch Premiſſes. Can any thing be more ridiculous in Nature, in Reaſon, in Wiſdom, in Underſtanding, *to give Laws to Kings, and cauſe them to ſwear to keep them, and yet to be underſtood at the ſame time to be lawleſs*, and not obliged to keep them, according to ſome, or at leaſt *cannot be queſtioned if they break them*, (according to others) which is as Caitiff a poſition as the other, and differs nothing but in words only? Shall all others be puniſhed for the breach of the ſame Laws, and Kings only excepted, who by ſolemn and ſacred Oaths have bound themſelves to performance, and the Laws make no exceptions? *Abſit?* Doth God make any exceptions? Doth not God puniſh Kings as ſeverely as he doth others? Is not *Tophet ordained of old which is deep and large, the pile whereof is fire and much wood, and which is kindled by my breath as by a ſtream of brimſtone: yea for Kings it is prepared*, Iſaiah 30. 33. and ſhall we give ſuch encouragement to break Laws and to work Wickedneſs, God forbid? Are not ſuch Doctrines encouragements to *Kings to lift up their Hearts above their Brethren?* againſt which God hath forewarned and forbid them, that they might know themſelves to be but Men. God *made his own Sabbath for Man, and not Man for the Sabbath*, and hath he not made Kings ſo too? *Moſes* was a *King* with Supreme Power. Well, what then? and ſo let all Kings have if they have the ſame Warrant, Commiſſion, acceſs and freedom with God Almighty, to have conſtant recourſe unto him to carry the Cauſes of their People unto him, and receive his Commands, and communicate them to the whole Congregation, and proſecute them as punctually as he did, and be as faithful in his Houſe as he was. But though *Moſes* had this great and mighty Power, being as it were God's companion, *ſpeaking unto God, and God anſwering him*, Exod. 19. 19. yet it no where appears that *quod libet licet*, that he could do what he liſt, and be accountable to God only. It's true, the People came to him to ask counſel of God for them, but not to do his own commands without God's commands and advice firſt had; and all this was but to teach them the Ordinances and Laws, and ſhew them the way wherein they were to walk, and the works they were to do, *Exod.* 18. 20. not to oppreſs, or injure them, or tyrannize over them to give Laws, not receive or be obliged by any themſelves. So that upon the whole matter *God was the King of the Jews, Moſes* only his Interpreter and Ambaſſador; and if Kings will not be as faithful as *Moſes* was, in judging and acting according to the Laws and Ordinances of their and our God, there will then be *no leading into captivity, no complaining in our ſtreets, no breaking in, or going out; but happy would be the People that were in ſuch a caſe; yea, happy that People whoſe*

God

God and the Word, Mat. 14. 14. 15. to make Laws to bind King and People, and yet Kings to break them impune, when the very Laws themselves do not exempt them, is very ill becoming reasonable men, and that all but Kings should be punished for the breach of them is wicked and unjust. It may happen in all Kingdoms (most probably in those that are Hæreditary,) that some Kings may be Idiots, or mad, or follow mad Counsels and Advisors, (a crime of the same Leaven,) as did *Rehoboam*, and must whole Kingdoms then also be subject to their Tyranny, *to be chastized not with Whips but with Scorpions, without* making use of their power to extricate themselves out of their hardships and miseries? Is it not then natural to cry, *What Portion have we in* David? *We have no Inheritance in the Son of* Jesse, *every man to your Tents*, withdraw your Services, withhold your Tributes, fight not against the Interest of your Nation; *and now* David *see to thine own house*, 2 Chron. 10. 16. Though Kings have the great title, yet the Laws are to govern both them and their Subjects, and though all Laws run in their names, yet they cannot do what they list, but as he is to command according to Law, so his Subjects are to obey him according to Law, not against Law.

Doth God himself keep Covenant for ever, and never break any; and shall Kings who claim their Titles and Powers from him, take greater liberty and freedom to break the Covenants and Agreements with their Subjects than God himself, or pretend to be unaccountable? I doubt they themselves would not accept such a Plea from their own Ambassadors or Ministers transgressing their Commissions. Had the *Israelites* power to cast off their corrupt Judges, (a Government well pleasing to God himself, and to choose them another form of Government even Kingly (contrary to the mind even of God himself,) and did not God gratify them therein, though they rejected not *Samuel* only, but God himself thereby, *Sam.* 8. 7, 8. *For he gave them a King in his anger, and took him away in his wrath*, Hos. 13. 11. Had they such power under the Law, and have not Christians the same under the Gospel? if not, shew when, where, and by whom it was taken away. Certainly whoever sets up himself to be supream and above all Laws, or to be accountable to none but to God for breach of them, doth as much as in him lies make himself an Idol or a strange God to be revered without contradiction. *If* Nebuchadnezzar *erect his Prodigious Idol, must all People, Nations and Languages fall down and worship it? Gideon* whom the men of *Israel* Commissioned, saying, *Rule thou over us, both thou, and thy Son, and thy Sons Son also*, but *Gideon* answered, *I will not Rule over you, neither shall my Son rule over you, the Lord shall Rule over you*, Judg. 8. 22, 23. By which it appears that *Gideon* by this Commission was as Supream, and had as large Powers as any *King had*, or as the *Israelites* could give him, without formal Covenants or Laws to tye him up; and yet his Answer is a document upon divine Record for ever to all Kings and Princes, *that it is not the right of Men to domineer over Men*, but it belongs and appertains to God only, to rule without controll: And indeed it's both against the law of nature, and precept divine, *for Kings so to lift up their hearts above their Brethren*, as to rule over them Rigorously, Uncontrolably; for God created them all equal, and we shall all stand in an equal distance before Gods Tribunal, where there shall be no respect of Persons. What difference and distance of stations and of honours there is amongst us, is from our selves, and of our own framing, *naked came we into the World, and naked shall we return. It is ill*, very ill, *offending little ones whose Angels do always behold the face of God in Heaven*, Mat. 18. 10. By all which it manifestly appears that the *Mosaick Kings and Judges* were equally obliged to keep the Laws, together with the rest of the People, and that there is not any one Law either in the old or new Testament that makes any exception or exemption, or to free one more than another from censure, if a Transgressor either against God or Man.

To assert that God hath reserved to his own Tribunal the punishment of Kings and Princes more than others, so as to free them from being called to an account and censured here on Earth, is a false Maxime without sound reason, or good authority: Examine the Gospel, and see if that doth allow that which the Law doth not, and whether the *Divine Herald of Liberty* inward and outward, or civil to all Christians, do deliver us up also Captives and Slaves to Tyrant Princes, without a power or liberty to extricate our selves from such Slavery and Thraldom. We read in the *Gospel that Christ at his coming should scatter the Proud Imaginations of their Hearts, and put down the Mighty from their Thrones*, Luke 1. 51, 52. but no where that he did establish the Thrones of Tyrants for good government. *Christ himself was born under Tyrants, suffered under them, made himself of no Reputation, took upon him the form of a Servant, and thereby purchased for us an honest and just liberty, as to bear with patient minds a necessitated servitude*;

but

but we no where read that he took away from us our juſt powers of procuring our own Liberties when oppreſſed, but rather confirmed them. *Art thou called being a Servant, care not for it, but if thou mayſt be made Free uſe it rather. Ye are bought with a price, be not ye the Servants of Men.* 1 Cor. 7. 21, 23. In vain therefore is the example of Chriſt brought for our enduring of ſuch ſervitude, *who by the price of his Servitude purchaſed and confirmed our civil Liberties*; *Chriſt having asked* Peter *at* Capernaum, *of whom do the Kings of the Earth take Cuſtom or Tribute, of their own Children* (*i. e.* their Citizens) *or of Strangers?* (*i. e.* though under a conquerred condition;) *Peter ſaith, of Strangers. Jeſus ſaith unto him, then are the Children free; notwithſtanding, leaſt we ſhould offend them, pay for me and thee.* Matt. 17. 25, 26, 27. Thus much rationally and naturally may from hence be concluded, *viz.* That Chriſt and *Peter* as private Perſons paid Tribute to *Cæſar*, though they had no obligation to pay it, nor *Cæſar* any juſt right to require it; yet becauſe they would give no offence, but would be at quiet, and avoid trouble, Chriſt did command payment. But from hence it never can be concluded, that whole Kingdoms or Commonwealths, being unjuſtly oppreſſed with exorbitant Taxes contrary to Law, and without their conſent are therefore obliged to pay them, or that they are thereby forbid or hindred to right and relieve themſelves. Whether by Children are meant the Citizens or Subjects of Kings, according to ſome, or by Children be meant the Children of God, the whole Race of Chriſtians according to St. *Auſtin*, it matters not if *Peter* was of the Children or Citizens, he was therefore free. We alſo (Chriſt teſtifying) are free likewiſe either as Citizens or as Chriſtians. God certainly would never give his Vicegerents or *Patres Patriæ* (as they deſire to be eſteemed) authority to oppreſs thoſe whom he would not tyrannize over himſelf, and for whom he made the whole Creation for their comfort and ſolace; no nor yet ſo unlimited Powers, as that if they did oppreſs or tyrannize, they ſhould by no means for ſuch their Tyranny be queſtioned, which is an abſurdity of the ſame nature as great as the other. Is it not a wonderful injury to Gods infinite wiſdom, grace and goodneſs towards man, to ſuppoſe that God ſhould appoint Kingly Government, and oblige him to keep Laws for the well government of his Charge as his Vicegerents, for whoſe good he is ſet over them, and yet at the ſame time if he violate them all, he may do it without contradiction till the day of Judgment, and to aggrevate the injury, they endeavour to ſupport that injury by wreſting his own word, by coyning evaſions, and creating ſubtleties to overſhaddow the true and genuine meaning thereof, and foyſting falſe gloſſes upon them. No doubt but when a fair opportunity offereth it ſelf to an oppreſſed People, to extricate themſelves out of any Tyranny, *Gods Providence is therein manifeſted, and its their own fault if they make not uſe of it.* Is not Gods Image as manifeſtly ſeen in man, as *Cæſars* on the Coyn? Is not as much reſpect and regard to be ſhewed to Gods Image as to *Cæſars*? I appeal to all rational men, if it be not an injury of the ſame nature to give Kings and Princes power to do what they liſt, or to ſwear them to keep Laws, and yet in the ſame breath to leave them accountable to God only at the day of Judgment, and ſo leave the governed to be without remedy. *Cæſars* have their Rights, and the People have their Rights alſo. *Cæſars* are the Miniſters of God to the People for their good, and to ſee that all render to all their reciprocal dues, not to take them away from them; and in thoſe things wherein they miniſter otherwiſe, *they are not Miniſters* of God but of the Devil. *Rom.* 13. 4. 7.

The Liberty and Freedom of the People is their propriety both by the Law of God and nature, born with them, and ought not to be defrauded or deprived thereof by any ſubtilties; but the rights and powers of Kings over the People are given them by the People, either expreſsly or implyed, and to be always underſtood for their good; the Inſcription upon Coins doth not confer any more right to Kings than unto the People, it only denotes its intrinſick value, and that it is pure, and without baſe mixture or allay. Chriſt therefore in this place did not ſo much demonſtrate Subjects duty towards Kings, as to tax the Phariſees, who feigned themſelves Juſt Men, and took councel to entangle him in his talk, cogging with him, crying, *Thou art true, and teacheth the way of God in truth*, &c. of malice and wickedneſs deſigning to betray him, by taking hold of his words, that ſo they might deliver him to the power and authority of the Governor, *Luke* 20. 20. and therefore put that captious queſtion to him, *is it lawful to give Tribute to* Cæſar *or is it not?* But he knowing their Hypocriſy, anſwered them accordingly, *Mark* 12. 14. 15. Thus ſophiſtically by falſe reaſonings and counterfeit gloſſes on plain Texts of Scripture, what is it leſs, or other then to repreſent the great God of Heaven and of Earth a Deceiver of his People, whilſt he ſets Kings over us as his Miniſters for our good, and yet at the ſame time to allow them a Latitude to tyrannize?

rannize over them at their pleaſure without controll: *Can men gather Figs of Thiſtles, or Grapes of Brambles?* then may theſe men gather ſuch falſe concluſions from ſuch right premiſſes as cannot yield them. Its undeniable that God never gave any Power to Kings and Princes but what is juſt and right, and equal. *Righteouſneſs and Judgment are the Baſis and eſtabliſhment of his own Throne*, and ſhall Kings pretend to govern otherwiſe? When the *Phariſees* pretending kindneſs (but deſigning miſchief) to *Jeſus*, adviſed him to *depart out of their Coaſts, for that* Herod *ſought to kill him*, Luke 13. 32, 33. Chriſt did not depart, nor yet return any low pittiful anſwer, but boldly anſwered, *Go tell that Fox, I do caſt out Devils, and do cures to day and to morrow*, &c. thereby intimating, that Kings have no lawful Power to wrong their Subjects, or to hinder any from doing good to others, or their duty towards God, though by Fox-like adviſoes they uſurp dominion beyond all juſt right, and that God himſelf eſteems them no other, or better than Bruits according to *Pſal.* 49. 20. *Man that is in honour, and underſtandeth not, is like the Beaſts that periſh*, now what is here meant by underſtanding, is declared by *Job the greateſt man of the Eaſt*, Job 28. 28. *The fear of the Lord that is wiſdom, and to depart from evil that is underſtanding.* So *David a King* tells us the ſame, *Pſal.* 111. 10. and ſo *King Solomon* the wiſeſt of men, *Prov.* 1. 7, 8, 9. *ch.* 10. with promiſes of great Bleſſings, *He that feareth the Lord, his ſoul ſhall dwell at eaſe, and his ſeed ſhall inherit the Earth, and the ſecret of the Lord is with them that fear him, and he will ſhew them his Covenant*, Pſal. 25. 12, 13, 14. All other wordly wiſdom that hath not reſpect to eternity, is but fooliſhneſs and bruitiſh, and the eſteem that God himſelf hath of the greateſt men on earth without this wiſdom, is but as that of Bruits. So *John Baptiſt* eſteemed the *Phariſees* and *Sadducees* but as a *generation of Vipers*, Matth. 3. 7. So *God* by *Jeremy* to the voluptuous, *when he had fed them to the full, they then committed Adultery, and aſſemble themſelves by Troops in Harlots Houſes, they were as fed Horſes*, &c. Jer. 5. 8. So *David, Dogs have compaſſed me, the aſſembly of the wicked have encloſed me*, Pſal. 22. 16. So *Iſaiah calls ignorant and blind Watchmen Dogs, ye greedy Dogs*, Iſaiah 56. 10, 11. And Chriſt forewarned them *not to give that which is holy unto Dogs, neither caſt Pearl before Swine*, Matth. 7. 6. So was *Paul's* caution to the *Philippians*, 3. 2. *Beware of Dogs, beware of evil workers*, whereby it is apparent that *there is no mean between a Saint and a Bruit*, be they great or ſmall, rich or poor; Heaven and Hell will divide the whole world, without reſpect of Perſons. And therefore the advice of *David a King* is to be followed, *Be ye not like Horſe and Mule which have no underſtanding*, Pſal. 32. 9. *A Bruitiſh man knoweth not, neither doth a Fool underſtand this*, Pſal. 92. 6. All the Machiavilians and Leviathans, and time-ſerving Pulpiteers of the world and their Council, without ſuch underſtanding, are but as Bruits and Bruitiſh, void of true ſenſe and underſtanding.

Chriſt ſuffered under a Tyrant; true, but how could he ſuffer but under a Tyrant, that feared neither God nor Man? Chriſt came into the world in the form of a Servant and to ſuffer; what for? *not to bring us under, but to free us from the yoke of Bondage both Spiritual and Temporal.* Conſider well the anſwer which *Chriſt* gave to the *Mother of Zebedee's Children*, deſiring *that her two Sons might ſit the one on his right, the other on his left hand in his Kingdom.* viz. *Ye know that the Princes of the* Gentiles *exerciſe dominion over them, and they that are great exerciſe Authority over them; but it ſhall not be ſo among you, but whoever will be great among you, let him be your Servant, even as the Son of Man came not to be miniſtred unto, but to miniſter.*

Zebedee's Sons dreaming of a Kingdom, that Chriſt ſhould ſuddenly have on Earth, and affecting to be chief in that Kingdom and next unto him, there aroſe among them a ſtrife, (*through Pride cometh Contention*) who ſhould be greateſt among them, whence that proud demand *that one might ſit on his right hand, and the other on his left.* But Chriſt gently rebuked their proud aſpiring humour, and in them all Chriſtians, ſhewing that the Princes of the *Gentiles* did domineer and play *Rex* among their Brethren, (a temper very ill beſeeming Chriſtians,) but it ſhall not be ſo among you (in whom the ſpirit of the living God ſhould dwell,) *but whoever will be great among you, let him be your Miniſter, and whoever will be chief among you, let him be your Servant*; and made himſelf the great exemplar of ſo great humility, *who came not to be miniſtred unto, but to miniſter*, of which he gave real teſtimony through the whole courſe of his life, firſt coming down from Heaven his Imperial Reſidence, then refuſing to be made a King here on Earth, when 5000 *deſigned to have taken him by force to have made him a King.* Then *by waſhing his Diſciples feet, breaking Bread unto them.* And to conſummate all, *he became obedient to death, even that ſhameful death, the death of the Croſs, for us men and for our Salvation*; and indeed the whole courſe of his Life was but adminiſtration of all good to all, Rich or Poor, without reſpect of Perſons, which is the proper duty of all Kings.

But it ſhall not be ſo among you; *i. e.* Proud and aſpiring domination ought not to be among Chriſtians, though they bear the glorious Titles of *Evargitæ* or Benefactors, nay of Emperors, Kings or Princes. Kings, Chriſtians eſpecially, though Kings by name and title, yet in truth are but *Servants to the governed.* So *Moſes*, who certainly had as great and as unqueſtionable authority over the *Iſraelites* as ever mortal had, to whom God himſelf did dictate Laws, yet did he never proudly domineer over them, (tho' provoked to the uttermoſt, ſo that he deſired God to kill him, that he might not ſee his wretchedneſs) to their prejudice or detriment, but did bear the *burden of them all, carried them in his boſom as a nurſing Father beareth the nurſing Child*, and pleaded importunately with God himſelf to ſave them from deſtruction, when the *Fire of the Lord was conſuming them at* Taberah, and prevailed: worthy the imitation of all thoſe who ſtile themſelves Gods Vicegerents: then ſhould the governed have no oppreſſion, *no complaining in our Streets*, but ſhould *every man ſit quietly under his own Vine and under his own Fig-tree.* So *Plato* called Magiſtrates not Lords, but Miniſters and Servants of the *People*, and calleth the *People* not Servants but *Benefactors*, as thoſe that allow and give them in gratitude and recompence for their ſervice, wherewithal to keep a Kingly State and Grandeur, and depute them alſo their Conſervators and Executioners of their Laws. So *Ariſtotle* calls them Miniſters and Keepers of their Laws; the *Apoſtles* call them *Miniſters* both of the Laws of God and of the People; and no doubt but they are ſo, and therefore they ought to be as Faithful as was *Moſes* in not deviating from Gods Commandments.

Chriſt in the Scriptures is not againſt Superiority, Kingſhip, Government or Governours, but againſt the haughty and inſolent deportment and tyrannical abuſe of the power committed to their charge, as the Heathen Princes did, which he rebukes here, intimating that ſo to govern, *is to rule over others to their own hurt*, and that to ſuch, a Wo is denounced, *Wo to them that decree unrighteous Decrees, and that write grievouſneſs, which they have preſcribed, to turn aſide the Needy from Judgment, and to take away the right from the Poor, that Widdows may be their Prey, and that they may rob the Fatherleſs. But be not ye like unto the Heathen who govern after ſuch a rate*, but the greater you are in Honour and Power, be ye more humble, and *as him that ſerveth, and being as Gods Vicegerents* (in which appellation you all glory and boaſt) *be ye all Imitaters of him*, and follow his example, *doing good to all, executing judgment and Righteouſneſs, and delivering the ſpoiled out of the hand of the* Oppreſſor, *and do no wrong, no violence to the Stranger, the Fatherleſs nor to the Widdows, neither ſhed innocent blood, leaſt his fury go out like Fire, and burn that none can quench it, becauſe of the evil of ſuch doings.* The greater you are, the more humble ye ought to be, and then ye ſhall find favour with the Lord. *In lowlineſs of mind let each eſteem others better then themſelves.* As were his Precepts, ſo was his example, who though he was chief Prieſt, King and Lord, yet was he in the midſt of his Diſciples *as he that ſerveth.* It is not *Regality* but *Piety* that ennobles and makes Princes in good earneſt Gods Vicegerents.

Carry them in thy boſom as a Nurſing Father carryeth the ſucking Child into the Land which thou ſweareſt unto their Fathers, (a preſcription and document for all Emperors, Kings and Princes:) ſo *God to Moſes*, whom he made *Prince* and *Lawgiver over the Jews* his peculiar People, *i. e.* lovingly, tenderly, carefully, which ſheweth the great love, mildneſs, gentleneſs that ſhould be in Governours. So Chriſt, *He ſhall feed his Flock like a Shepherd, he ſhall gather his Lambs in his Arms, and bear them in his boſom, and he ſhall gently lead thoſe that are young*, Iſaiah 40. 11. So *Paul, We were gentle among you, even as a Nurſe cheriſheth her children, we exhorted, and comforted, and charged every one of you as a Father doth his Children*, 1 Theſ. 2. 7. 11. Accordingly the *Hebrews* have this Rule for all Governors, *It is unlawful for a man to govern with Statelineſs over the Congregation, and with Haughtineſs of Spirit, but with Meekneſs, and Fear. And every Paſtour that bringeth more terror upon the Congregation, than is for the name of God, he ſhall be puniſhed: and ſo it is not lawful for him to govern them with contemptuous carriage, although they be the Common People of the Land; neither may he tread upon the heads of the holy People, although they be unlearned and baſe, they be the ſons of* Abraham, *&c. But he muſt bear the toyl of the Congregation and their burden, as* Moſes *our Maſter, of whom it is ſaid, as a Nurſing Father beareth his Child*, &c. Maimon in Miſn. tom. 4. in Sanhedrim ch. 25. Sect. 1. 2.

When the burden of the Government grew too heavy for *Moſes*, God commanded him, ſaying, *Gather unto me Seventy men of the Elders of* Iſrael, *whom thou knoweſt to be Elders of the People, and Officers over them, and bring them unto the Tabernacle of the Congregation, that they may ſtand there with thee, and I will come down and talk with them, and I will take of the Spirit which is on thee, and will put it upon them, and they ſhall bear the burden of*

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the People with thee, that thou bear it not thy ſelf alone, Num, 11. 16, 17. By ſo doing, *Moſes* ſpirit was not at all diminiſhed, for as *Sol Jarchi* ſaith, *Moſes* in that hour was like unto the Lamp that was left (burning) in the Candleſtick (in the Sanctuary,) from which all the other Lamps were lighted, yet the light thereof was not leſſened, but God ſhewed hereby, that none without gifts of his Spirit are fit for Office and Government. So *Jethro* to Moſes, *Chooſe able Men, ſuch as fear God, Men of Truth, hating covetouſneſs, and place ſuch over them*, Exod. 18. 21. Deut. 1. 13. Acts 6. 3. The *Hebrews* have this rule, *viz. Any Synedrion, King or Governor that ſhall ſet up a Judge for Iſrael that is not fit, and is not wiſe in the wiſdom of the Law, and meet to be a Judge*; *although he be wholly amiable, and have in him other good things, yet he that ſetteth him up tranſgreſſeth*, &c. Maim. in Sanhedrim, *Chap.* 3. *Sect.* 8. to Kings and Queens not Governing as they ought *Jeremy* is ſent, *chap.* 13. 18. *Say unto the King and to the Queen, Humble your ſelves, ſit down, for your Principalities ſhall come down, even the Crown of your Glory.*

Obj. *Submit your ſelves to every ordinance of man for the Lord's ſake, whether it be to the King as a Supreme, or unto Governers, as unto them that are ſent by him for the puniſhment of evil doers, and for the praiſe of them that do well, for ſo is the Will of God, that with well doing yee may put to ſilence the ignorance of fooliſh men.*

Peter writ his *Epiſtle* to private Perſons, ſtrangers ſcattered through *Pontus*, *Galatia*, *Cappadocia*, *Aſia*, *Bythinia*, to a People ſcattered through the leſſer *Aſia*, being there as Sojourners, and conſequently not under any ſet Form of Government by their own conſent, nor indeed capable of it. But what doth this concern whole Kingdoms of free-born People, who are governed by their own Laws, of their own making, to which their Kings are as ſubject as themſelves, and that by their own conſent and ſolemn Oaths? Make ye no difference between a few diſperſed People, and Kingdoms of Nobles, Senators, Dyets, Parliaments, Peers of Kings that have a co-ordinate Power in the Legiſlative Authority, and without which Kings cannot be, for its the governed that make Kings, not Kings the governed, a King and no King.

But be it that it was written to a Senate, what are you the better? when *no Precept to which reaſon is adjoyned, doth bind beyond or beſides that reaſon*, Lex eſt ordo. Be ſubject therefore for the Lord's ſake. What is that? becauſe Kingly Government hath a Divine ſtamp. What to do? *To puniſh evil doers, and to praiſe and reward them that do well, for this is the Will of God.* When Kings ſo govern, there will be no complaining in our Streets, no calling *coram nobis*. Of our obligation to obey ſuch Kings as are here deſcribed, there's no queſtion; ſo to obey others, who govern contrarily, here's no mention, no obligation: the reaſon of this Precept appears, *Ver.* 16. *As free*, therefore not *as ſlaves*. Turn the Tables. What if Kings ſhould act quite contrary, puniſh and diſcountenance the Good and Pious, and reward and countenance the Wicked, what then? *He that juſtifieth the wicked, and he that condemneth the righteous, even they both are abomination to the Lord: He that ſaith to the wicked, Thou art righteous, him ſhall the People curſe, Nations ſhall abhor him.* If the Lord ſhall abominate ſuch, the People curſe them, and Nations abhor them, ſhall not Kingdoms make uſe of their own natural Power to right themſelves, but live in perpetual ſlavery under Axes and Harrows? Is it not called human Ordinance? Yea, ſhall human Ordinance have Power only to make good Laws, and not have Power to puniſh the tranſgreſſors?

O! but *Nero* a wicked Prince then reigned, and to him the Apoſtle commands all to be ſubject. 1. It is queſtioned whether it were *Nero* or *Claudius*, that then was Emperor of *Rome*; it matters not, for the Apoſtles writ to private, diſperſed ſtrangers that had no ſhare in the Government, not unto free States and Kingdoms as before, not to the Prætors, nor Conſuls, nor Senators of *Rome*. Let every *Soul be ſubject to the higher Powers, for there's no Power but of God, the Powers that be are ordained of God*, verſe 1. *Whoſoever therefore reſiſteth the Power, reſiſteth the Ordinance of God: and they that reſiſt ſhall receive to themſelves damnation*, ver. 2. *For Rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the Power? Do that which is good, and thou ſhalt have praiſe of the ſame*, verſe 3. *For he is the Miniſter of God to thee for good. But if thou do that which is evil; be afraid, for he beareth not the Sword in vain. For he is the Miniſter of God, a revenger to execute wrath upon him that doth evil*, verſe 4. *Wherefore you muſt needs be ſubject, not only for wrath, but alſo for conſcience ſake*, verſe 5. For, *for this cauſe pay you tribute alſo; for they are God's Miniſters, attending continually on this very thing*, verſe 6. *Render therefore to all their dues, tribute to whom tribute*, &c. verſe 7. As *Rebellion is as the ſin of Witchcraft*, ſo *Obedience* is an Holy thing, when it is yielded to juſt commands; but when it is referred to tyrannical and abuſive commands, then it is not good, but it is void, *and natural defence doth ſucceed in its room*: God hath given all

Kingdoms

Kingdoms liberty and power to make their own Laws by common consent, and appoint their own Governors, and to oblige them to manage and see the execution of them for their protection, and equal Justice to be indifferently executed. To such commands obedience is due; but obedience to commands contrary to established Laws, is obedience in name, but in truth extreme disobedience towards God and the Commonwealth.

Paul writes here not as *Peter* did to strangers and to a dispersed People, but to the *Romans*, yet to private Persons, Christians especially, and so writes as declaring the whole reason, origine, and end of Government; and that Christian Religion teacheth that Christian Obedience may be yielded to Unchristian Magistrates without servitude or slavery; and that it doth not teach to destroy Civil Polity and Government (as some had falsly accused the Christians there, the occasion of *Paul*'s just writing,) but to establish and regulate it according to right Christian Principles, Laws of God and Nature, not by constituting *Nero's* and Tyrants above all Laws, but by regulating all Governments to the Standard of the Laws of Nature, God, and Christ; *i. e. Rulers are not to be a terror to good works but to the evil:* to be *Ministers of God for the good of the governed: Revengers, to execute wrath on them that do evil, not on them that do well:* on such things they ought continually to attend; if they walk contrary, they are not Ministers nor Vice gerents of *God*.

Certainly the Apostles never writ with intention to make null, and vacate the Rights and Institutes of all Nations, nor yet so to center them in the Breast of one Man, a Tyrant, above all Law and Punishment, and that his will and pleasure should be the Law, to the ruine and misery of Mankind. Laws rightfully constituted are the *Supreme Regulators* both of *King* and *People*. The best *Emperors* always acknowledged the Authority of Laws and of the Senate to be greater than theirs: and all Nations, not barbarous, have always held just Laws most Sacred. Hence *Pindarus apud Herodotum*, that the *Law was King of all*. And *Orpheus* in his Hymns esteemed *Laws to be King not only of mortal Men, but even of the Gods also*: his reason given, is, because it *holds the Reins of Government*. So *Plato, in Legibus*, that which ought to do most in Government is the *Law*: And in his Epistles he commends that Government most where *Law is Lord and King of Men*, not where Men are Tyrants over the *Laws*. So *Aristotle* in his *Politicks*, and *Cicero de Legibus*. Seeing therefore by the judgment of the wisest Men, and by the Institutes of the most prudent Cities, *Laws are held most Supreme*; and where the Doctrine of the *Gospel* doth not contradict, but comply therewith, there ought to be no doubt of the truth thereof; and that *both Kings and People are equally subject thereunto*, and *Laws* according to *Cicero* 12. *Philipic. are nothing but right reason*, drawn from the God's *commanding things honest in the sight*, and to the solace and benefit *of all Men*, and *forbiding all iniquity, transgression and sin*. From God therefore is the Institution of Magistrates, that by their prudent Administration the whole Race of Mankind might live under Laws of their own making, and by their own consent.

Aristotle, Pindarus, Tully, Plato, & alias.

And by the judgment of Heathens, Laws hold the Reins of Government, and are above the Magistrates, as Magistrates are above the People, with which Doctrine, and with sound Reason, and with Right of Kingdoms, the Doctrine of the Gospel doth not at all interfere, or clash, but comply, and agree. *Let every Soul be subject to the higher Powers*, doth subject Kings as well as the People to the obedience thereof: for there is no Power but of God, *i. e. there's no Form of Government but hath its stamp of allowance from God himself, commanding things honest in the sight of all Men*, and prohibiting the contrary. From God therefore is the Institution of Magistracy, that by their reasonable Service and just Administration, whole Nations may live under Laws and Government; but whether under this or that Form of Government, or by these or those Persons, is wholly left to the free choice of the governed. If therefore by the Judgment of the wise, and the Institutes of the most prudent Cities, Dyets, Councils and Parliaments, Laws have the Supreme Authority; and the Doctrine of the Gospel doth not thwart right Reason, nor yet the natural Right of Nations; then must Magistrates also subscribe and submit to the Laws of their Government, to which they have not only consented and sworn, and be accountable to the same *Laws, and to them from whom they derive their Authority and Power*, for whose good and benefit, and by whom they were first and primarily erected and constituted.

Magistrates are created and appointed by Men. Hence *Peter* calls both Kings and other Magistrates a *human Creation*, or *human Ordinance*. So *Hosea* 8. 4. *They have set Kings up, but not by me: they have made Princes, but I knew it not.* In the *Hebrew* Commonwealth

monwealth and Kingdoms only, where they had ſeveral ways of reſorting unto, and conſulting God Almighty, they might and did refer the Nomination of their Kings unto him: but concerning other Nations we have received no ſuch like Cuſtom, or Mandate. The Precept that God himſelf gave to the Children of *Iſrael* for the choice of their King, did more eſpecially reſpect the Qualifications of Kingſhip than the Nomination of the Perſon, *viz. When thou art come into the Land which the Lord thy God giveth thee, and ſhall poſſeſs it, and ſhalt dwell therein, and ſhall ſay, I will ſet a King over me, like as all the Nations round about me, thou ſhalt in any wiſe ſet him King over thee*, (which is a manifeſt Allowance and Commiſſion to appoint their own Kings) *whom the Lord thy God ſhall chuſe*, (not perſonally, not by his nomination, but according to ſuch and ſuch qualifications, *viz.*) *one from among thy Brethren ſhalt thou ſet King over thee: thou maiſt not ſet a ſtranger over thee, which is not thy Brother. But he ſhall not multiply Horſes, neither ſhall he multiply Wives to himſelf, that his heart turn not away; neither ſhall he greatly multiply to himſelf Silver and Gold. And it ſhall be when he ſitteth upon the Throne of his Kingdom, that he ſhall write him a copy of this Law in a Book: and it ſhall be with him, and he ſhall read therein all the days of his life, that he may learn to fear the Lord his God, to keep all the words of this Law and theſe Statutes to do them: that his heart be not lifted up above his Brethren, and that he turn not aſide from that Commandment to the right hand or to the left, to the end that he may prolong his days in his Kingdom, he and his Children in the midſt of Iſrael*, Deut. 17. From hence it is evident under what Laws and Precepts Kings are and ought to govern; and, if not ſo qualified and ſo choſen, they can have no juſt Right to govern. *Vid.* Dr. Sherrock *de Officiis*, c. 4. N°. 8. p. 289.

Lex Regia. v. Dr. *Sherrock*, c. 4. n. 9. p. 282, 283.

Sometimes the very Form of Government may be vicious and faulty, ſometimes they that obtain the Power may be ſo; which may proceed from Men and from the Devil. *And the Devil taking Jeſus up into a high Mountain, ſhewed unto him all the Kingdoms of the World in a moment of time. And the Devil ſaid unto him, All this power will I give thee, and the glory of them; for that is delivered unto me, and to whomſoever I will I give it.* Hence is he called *the Prince of this World*, John 12. 30. & 14. 31. Rev. 13. 2. *The Dragon gave unto the Beaſt Power, and his Throne, and great Authority; yea the God of the World*, 2 Cor. 4. 4. Wherefore when it is written *that there is no Power but of God*, it is always to be underſtood, *not of all Powers whatſoever, but of all lawful Powers*, ſuch as he there deſcribed; and of the Powers themſelves, *not always of the Perſons that have the Power*. So St. *Chryſoſtom*, the Powers that are, are ordained of God, *who by his eſſential Wiſdom and Goodneſs, and by the expreſs Warrant of his Ordinance never ordained any but what were good and behooful for the governed*; therefore the Apoſtle in this place will be underſtood of lawful Powers: God may and doth permit unlawful Powers for the puniſhment of wicked doers, even by wicked Men, which are God's Sword, but never ordained ſuch but as his Rod, and Scourges. Wickedneſs, and Vice, and Sin, *being things inordinate, it's not poſſible that God ſhould Ordain them, and yet be ſinful and vitious ſtill*: he that *reſiſteth* the Power, (*viz.* lawful Power) *reſiſteth the Ordinance of God*; which Precept equally binds and obligeth Kings as well as Subjects that reſiſt, or tranſgreſs, or obſtruct the Laws, or endeavour to ſham them either by Force or coining Evaſions. I appeal to Heaven, if they that reſiſt Powers not lawful, or abuſers or overturners of lawful Powers, do reſiſt the Ordinance of God or not? I do think that no Man in his right ſenſes will ſay ſo. The Apoſtle yet makes it more plain, that he treats of lawful Powers, when he ſays, that Rulers are not a terror to good works but to the evil: *And he is the Miniſter of God to thee for good, for he beareth not the Sword in vain: a revenger to execute wrath on them that do evil.* Who, unleſs Heathens, or Perſons of profligated Conſciences will refuſe to be ſubject to ſuch Powers, not only *out of fear of puniſhment*, but *for Conſcience ſake?* for without Civil Government, not poſſible to live in Peace and Happineſs. But what Power, what Magiſtrates ſoever ordains or acts contrary can never properly be ſaid to be ordained, *i. e.* allowed and approved of God; and therefore this is no Precept, no Command to yield Obedience to ſuch; neither is it any Precept or Command to forbid us prudently to reſiſt, defend, and right our ſelves; for in ſuch caſes we do not reſiſt the Powers, but human Errors of Kings and Princes; nor the Magiſtrates that are ordained of God, who ought to be ſuch as the Apoſtles decipher; but either Uſurpers, or Tyrants, or betrayers of the Truſt repoſed in them, who yet notwithſtanding, if they muſt be termed Magiſtrates in that only they have Power to vex, revenge, and ravage over God's People; by the very ſelf-ſame *Logick*, the Devil is our Magiſtrate. Of one thing only there can be but one true definition; if therefore *Paul* doth here rightly define Magi-

ſtracy and Magiſtrates, (as he doth moſt accurately) then certainly by the ſame words he cannot define Tyranny, Oppreſſion, Male-Government, things Diametrically oppoſite and contrary one to the other: then certainly to ſuch Magiſtrates only as the Apoſtles here deſcribes do we owe Subjection, Tribute, Honour, &c. and not to their contrary. Reaſons aſſigned are; *For this cauſe pay ye Tribute alſo, for they are God's Miniſters, attending continually on this very thing: render therefore*, &c. *The labourer is worthy of his hire*: and they that hire ought to have their ſervice, and work well done: ſo that if Magiſtrates fail of their Duty, Subjects may ſlacken their Tribute, which is given them only as a recompence of their Watchfulneſs, Pains, and Care in well Governing: Therefore ſimple and abſolute ſubjection is not here required, but ſubjection with reaſon ſubjoyned, which reaſons are the Rule and Square of our ſubjection.

We are often told by our Prieſts that Prayers and Tears are the Weapons of Chriſtians: True, but not the only Weapons, *lawful reſiſtance of unlawful Force is as true*; which Divines both Popiſh and Proteſtants, *Bellarmine*, *Turrecremata*, *Cajetan*, *Dominicus Soto*, *Franciſcus Victorius*, *Pareus*, *Calvin*, *Eccolompadius*, *Beza*, *Martyr*, *Luther*, *Lavater*, *Zuinglius*, *Bucer*, *Padre Paolo*, eminent for his great Learning, Judgment and Faithfulneſs in all his Writings. Biſhop *Bilſon*, famous for his incomparable works, eſpecially for maintaining Chriſtian ſubjection againſt Unchriſtian Rebellion: *Willet*, Dr. *Sherrock*, Biſhop *Bedel*, and other Modern Writers innumerable, who following one another confirm the ſame.

But yet the ſaid Mr. *Clifford* in the ſame Sermon, *pag.* 11, 12. is pleaſed with great confidence to Pulpit it, *That thoſe that hold ſuch Opinions, are but a few deluded Creatures in the Church of* Rome, *and a handful of zealous Fools in the reformed Churches*: a very ſevere cenſure on ſo many great and learned Men. I much wonder at his daring confidence thus to cenſure; and, which is worſt, to imploy his Prieſthood and his Pulpit to rail and to delude his Congregation and the World with Paralogiſms, and falſe gloſſes, and miſapplications of plain Texts of Scripture as he hath done, contrary to the very duty of his Prieſthood, which is to feed us with Wiſdom and Knowledge, and not to prevaricate and juggle with plain Texts. To inſtance only in that golden Sentence (as he calls it) of the *Pſalmiſt*, *viz. touch not my anointed*, Pſalm 105. 15. which very Text, though more particularly ſpoken of the Seed of *Abraham* his Servant, and of *Jacob* his choſen, yet it is ſo clearly, and undeniably applicable to God's People in general, in whom is all his delight, and not of Kings in particular, that it cannot be denied; nay, it is a reproof even to Kings themſelves, *viz. He ſuffered no man to do them wrong; yea, he reproved Kings for their ſakes*, ſaying, *Touch not mine anointed, and do my Prophets no harm*, verſe 14, 15. which alſo is reinforced, *Pſalm* 149. *For the Lord taketh pleaſure in his People, and will put a two edged Sword in their Hands to bind their Kings in Chains, and their Nobles with Fetters of Iron, to execute upon them the judgment written, This honour have all his Saints.* What is this but to *betray*, and *ſmother*, and *reproach Truth it ſelf?* very ill becoming Prieſts of the moſt high God. He hath done as much by other Texts, as *Pſalm* 51. 4. 1 *Sam.* 8. & *Prov.* 8. 15. And indeed moſt Texts he quotes he diſſembles, and puts falſe gloſſes upon them. But let theſe paſs. I only wonder how Prieſts dare be ſo fawcy with the Word of God.

Neither is it true, as often objected, That infinite ſcandals would ariſe and grow from ſuch Doctrines on the Chriſtian Religion: but it is true that they would grow out of the contrary; for ſo ſhould Tyranny be brought into Commonwealths: which as a publick fault is more pernitious. Even as no more is it true, that by this Doctrine there would grow confuſions in Families, Cities, and Kingdoms, becauſe every one might defend himſelf from the Sergeants, from the Comito in Gallies, and from the Prince, who would force them to pay Impoſitions and Taxes not granted by publick conſent.

For indifferences between Princes and Subjects, both cannot have right on their ſides, but of neceſſity, that *if they who uſe force do it lawfully, the defence muſt be unlawful; and where the force is unlawful, the defence of neceſſity muſt be lawful*: and the *vim vi repellere licet*, is always to be underſtood of that force which is unlawfully uſed. And theſe Doctrines are moſt eſpecially to be underſtood of publick Kingdoms, Commonwealths, free States, and Cities, and to preach Patience unto ſuch under Tyranny and Oppreſſion, is a Medicine fitter for mad Dogs than for reaſonable [illegible] cially Chriſtians, for *whoſe ſakes God rebukes even Kings*, ſaying, *Touch not mine anointed, and do my Prophets no harm*, Pſalm. 105. 15. To which ſort of Remedy [illegible] bound, nay, rather oftentimes a Man ſhould ſin in uſing it, as when the [illegible]

not only prejudicial to themſelves, but alſo to others. Another Remedy often urged is, Obedience; be it ſo. This is a Remedy, but when unjuſt, and prejudicial, and not only to the Liberty which God hath given to the governed, but alſo to their Lives, Goods, and Honours, they are not bound to uſe it; and by reaſon of prejudicing another, they ſhould ſin if they ſhould uſe it. Obedience is a Divine Precept, and is to be yielded to a juſt and holy command; but when it is referred to unjuſt and tyrannical commands, it is not good, *but natural defence doth then ſucceed in its room.* Submiſſion to unjuſt commands is *Obedience in name*, but indeed an *extreme diſobedience* towards God and the governed. *Gregory* II. *Queſt.* 7. yields the reaſon: *Admonendi ſunt ſubditi ne plus quam expedit ſint ſubjecti, ne quum ſtudent plus quam neceſſe eſt hominibus ſubjici compellantur etiam vitia eorum venerari. That Subjects muſt be admoniſhed that they make not themſelves more ſubject than is convenient, leſt they are inforced to flatter them in their Vices, whoſe ſubjects they make themſelves more than they ſhould.* Beſides, one *abuſe of Power and Authority* gives a greater ſcandal to the World, and is a cauſe of greater miſchiefs than *many diſobediences*; and the Prince, as more eminent, is much more bound by his greater Obligation to God to do his duty. Kings that have a ſerious intent to live Chriſtianly in good earneſt, will be careful to obſerve the Commandments of God, and that they be preferred before his own.

Theſe Doctrines of *Reſiſtance* and *Paſſive Obedience*, have of late been very bitterly controverted by our Spiritual Guides, and Mr. *Miles Barne* tells us, That it is the duty of private Men to ſubmit their judgments in matters of Religion to the determinations of thoſe whom God hath conſtituted to be their Spiritual Guides and Governors, in his Sermon preached before his Majeſty, *October* 17. 1675. which undeniably is falſe Doctrine, (and makes us not their Diſciples but their Slaves,) and we are never the nearer the Truth if we do. For *Preſter John* may believe with *Julian*; and *John* of *Jeruſalem* with *Jovian*, both Spiritual Guides, and ſo the Poſition ſatisfied, and yet the Controverſie as indeterminable and as far undeſided as before. And for certain private Men are no more obliged to believe their Spiritual Guides becauſe ſuch, than Spiritual Guides are obliged to believe private Men; but both the one and the other are to be believed or disbelieved according to the Doctrines they do deliver are true or falſe. But this is not the only falſe Doctrine he hath preached. Beſides his faculty of preaching falſe Doctrine, he excels in the faculty of Railing, and dares to Pulpit more againſt *Julian*, than *Michael* the *Archangel durſt do againſt the Devil*; for in his Sermon on *Luke* 19. he tells us, *That amongſt Phanaticks and Atheiſts, transformed into malicious Fiends by the Helliſh Divinity of that Monſter of a Prieſt the Author of* Julian the Apoſtate, *whoſe whole Book is as great an Apoſtacy from the practice of Primitive Chriſtians, the Precepts of Obedience delivered by Chriſt and his Apoſtles, and Chriſtianity it ſelf, as ever the* Apoſtate Julian *was guilty of*, pag. 19. In which he is not alone, being called by others impudent, unskilful, profligate Wretch, and mercenary Scribler, which are ſtones only, not confutations.

The practice of former Ages is much urged for juſtification of their Paſſive Obedience, and amongſt them the *Thæbæan Legion* is their great exemplar; who, I doubt not, but had in proſpect, that of Chriſts Kingdom there was no end, that they ſhould reap if they fainted not, that their Combate was to be but ſhort, their Victory ſure, their Crowns ſafe, their Triumph eternal, that God's Grace was all ſufficient here to ſupport them, and his Glory all-ſufficient hereafter to reward them, and ſo cheerfully *laid down their Lives at the Emperors unjuſt commands, and died Martyrs.* But not to derogate from their dying according to the dictates of their Conſciences, I humbly conceive, and am of Opinion, that they had been more truly valiant for the Truth, and done more right to Chriſtian Religion, and leſs guilty of being *Felones de ſe*, that having ſo much Power in their hands as they had, and ſuch advantages of the Emperor (he being then in ſtraights,) if they had appealed unto the Lord of Hoaſts, by ſtanding upon their Guard, and defended themſelves. For as the Emperor had no juſt Authority to command them to ſacrifice to Idols, ſo they had no Obligation to obey his unjuſt commands; and therefore the *Force being unlawful, the Defence muſt of neceſſity be juſt and lawful.* Moreover, this very Hiſtory is by many learned Men accounted but a meer Fable, and ſo can do them no courteſie, there being no Hiſtorian that mentions it in above Two hundred years after it was ſaid to have happened.

CHAP. XII.

Some Objections answered. God accounts the breach of Covenants as the pollution of his name. Power of the People. St. Ambroſe's *behaviour towards* Valentinian. *They who accept of Power from others, to them they are accountable. Publick good preferrable before private. Delegated powers if abuſed, naturall, returns to them who gave them, and are ſubject to the Laws which are ſupream. Kings no more ſacred than the People. By the law of nature the right of the People is ſupream and to be preferred.*

THE contrary is often objected, for that *Paul* writ this to the *Romans*, *Nero a cruel Tyrant* being then *Emperor*, which is not certain, for that very Learned Men are of Opinion that this Epiſtle was writ when *Claudius* (a good and well natur'd Prince) was *Emperor*, and his Government eaſy; beſides, the firſt Five Years of *Nero's Government* was very mild and moderate, from which uncertainties no certain ground or argument can be drawn, wholly to ſubmit to Tyrants be their Governments never ſo uneaſy. O, but *God gave all Nations*, viz. *the Edomites, Moabites, Amorites, Tyrians* and *Sydonians and their Kings to* Nebuchadnezzar *to ſerve him and his Son, and his Sons Son, until &c.* very well, and good reaſon to, and he tells you why: *I have made the Earth ſaith he, the Man and the Beaſts that are upon the ground by my great power, and by my out ſtretched Arm, and have given it unto whom it ſeemeth meet unto me.* So *Daniel, this matter is by the decree of the moſt High, to the intent that the living may know, that the moſt High ruleth in the Kingdom of Men, and giveth it to whomſoever he will, and ſetteth up over it the baſeſt of Men*: And good reaſon to, for *his Kingdom is an everlaſting Kingdom, and his dominion is from generation to generation.* If now the Kings of the Earth can ſhew as good Titles for their Crowns, Thrones and Scepters as *Nebuchadnezzar had from God himſelf*, then may they alſo abuſe their Power, and play *Rex* as he did; but if they do not, then may they alſo expect the like Judgment as befel *Nebuchadnezzar*, and be driven *from men by men, and their dwelling to be with the Beaſts of the Field.* But ſuch Almighty appointment being now ceaſed, the Governed (who now appoint Kings from among themſelves,) may juſtly hold themſelves diſingaged from any ſlaviſh ſubmiſſion. Methinks *Kings* even now adays ſhould take warning from this very *Nebuchadnezzar*, who when contrary to his duty he exalted himſelf above his Brethren (who ſhall ſtand in an equal diſtance with himſelf before the great Tribunal, where there ſhall be no reſpect of Perſons) walking in the Palace of his Kingdam, refuſing the Council of *Daniel to break off his Sins by Righteouſneſs, and his iniquities by ſhewing mercy to the Poor, that it might be a healing of his Errors, exalted himſelf above the height of the Clouds, making himſelf equal to the moſt high*; viz. *is not this great* Babylon *that I have built for the houſe of the Kingdom by the might of my Power, and for the Honour of my Majeſty?* Leſt they alſo when they keep no Promiſes, no Oaths, no Proteſtations, but break or wreſt, or ſham them and the *Laws which the People hath choſen*, and by which both *King and People* ought to govern and be governed, may come to ſome ſuch fearful end. Muſt Tyrants, Uſurpers or Lawful Magiſtrates, Oppreſſors, draw or deduce their power of *quod libet licet* over any People from God? and ſhall not the Governed deduce their power alſo of freeing themſelves from ſlavery, from God alſo, and from the Law of Nature it ſelf? If God ſend Judgments upon a Nation, by permitting Tyrants to rule over them for their ſins, or by ſending Peſtilence, Famine, Fire, Sword, or Wild Beaſts to puniſh them, and ought they not ſeek and endeavour their freedom and relief from all or any ſuch Judgments, though ſent of God? and may not that Nation make uſe of any means that Providence ſhall furniſh them withall to free themſelves; *quis niſi mentis inops, will doubt it.* When ever God pleaſeth to ſtir up the ſpirit of a Nation, or of a *Cyrus*, or of a *Zerubbabel*, Hag. 1. 14. or of a *Pul*, or of a *Tiglathpilnaſar*, 1 *Chron.* 5. 26. in which caſe *vox populi eſt vox Dei*, they may make uſe of what power God pleaſes to put into their hands or hearts for their own relief. What more ordinary than for God to make uſe of *Kings and Nations* as Rods to puniſh Sinners, and then throw them into the Fire? to ſet up a *Nebuchadnezzar* as his *Servant whom Kings and Nations ſhall ſerve, and after the appointed time, then many Nations and great Kings to ſerve themſelves of him*, which is a

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document to cautionate all Princes, how they abuſe their Power, or magnify *or exalt themſelves above their Brethren*, or have humane ordinances, (for ſo St. *Peter* calls them,) power only to conſtitute that which is good, and not be of force and effort to remove or remedy or redreſs any evil. Far be it, that any Nation ſhould be ſo ſtupid as to admit ſuch peſtilent Doctrines, as if ſubmitted unto, would utterly deſtroy all civil life and converſation, and turn Gods Image into the condition of Bruits, and by being governed *as Horſes and as Mules which have no underſtanding, with Whip and Spur, Bit and Bridle*, whilſt they exalting themſelves above all Law *ſic volo ſic jubeo*, muſt have its effort as well againſt man as Beaſt. Hath God declared that *Fury is not in him, that the wicked and him that loveth violence his ſoul hateth?* Pſal. 11. 5. and that *he will break in pieces the Oppreſſor*, Pſal. 72. 4. *and that great Oppreſſors are Princes that want underſtanding*, Prov. 28. 16. *And hath he not promiſed relief to the Oppreſſed, and that they ſhall take them Captives, whoſe Captives they were, and they ſhall rule over their Oppreſſors, and that the Lord ſhall give them reſt from their ſorrow, and from their fear, and from the hard bondage wherein they were made to ſerve; and did he not break the ſtaff of ſuch Oppreſſors and the Scepters of ſuch Rulers*, Iſaiah 14. 2, 3, 4, 5. How doth Holy Writ ſwell with examples of ſuch his Actions? How did he baffle *Pharaoh* that *proud Hector* and Oppreſſor *with Frogs and Locuſts, Catterpillars, Flies*, and ſuch Vermin, the moſt contemptible of his Creatures, to make him let *the People of* Iſrael go, and in the concluſion made the *ſelf-ſame Sea both a Sanctuary unto* Iſrael, *and a Grave unto* Egypt, *where he overthrew the Horſe and his Rider, and all his Hoſt.*

If ſuch documents, ſuch fearful menaces, ſuch wonderful examples of Gods Judgments againſt oppreſſing Magiſtrates will not prevail with them to rule as *Moſes*, (who uncontrolably had as great and undiſputable power and authority even from God himſelf, as ever Prince could have,) did, who alſo, though he was chief among the Seventy, yet did he not Lord it over them, nor over the People, if ſuch (I ſay) demonſtrations of Gods anger againſt Oppreſſours will not prevail with Kings now in our days under the Goſpel, to be as faithful as *Moſes* was under the Law in their Government, I muſt leave them to the *King of Terrors* to teach them more wiſdom and more Piety. It can never enter into the thoughts and hearts of good Chriſtians, that ever God hath ſubjected whole Nations to the luſts, will and pleaſure of one or more Tyrants, when one *that is juſt is better than a thouſand*, (Tyrant Kings,) *Eccleſ.* 16. 3. It hath been, and ſtill is the cuſtom and manner, (not a juſt Right) of moſt Eaſtern Princes, that as ſoon as placed on their Thrones, and eſtabliſhed by the ſtrength of Armies, to aſſume and appropriate to themſelves as much power over their Subjects as they pleaſe. So *Step dame Julia* moſt impudently to *Baſſianus the Emperor*, her Son in Law, as *before*; and ſo acted *Juſtinian* (the greateſt Tyrant according to *Procopius* that ever was,) and his Strumpet *Theodora*, taken from off the Stage to be *Empreſs*, and acted more like Furies than Pious and Rational Creatures, *ſhe influencing* Juſtinian *by her Magick and Intelligence with the Devil*, according to the ſame *Procopius*, unfit Patterns for Chriſtian Emperors to imitate, but very fit for *Leviathan* and his Prieſtly complices to juſtify and live under. But if this had been the juſt Right of Kings in the ſacred government of the *Iſraelites*, *Jezabel* (another *Theodora*) needed not to have offered *Naboth a ſum of Money, or another Vineyard, or proclaimed a Faſt, or to have ſet* Naboth *on high, and have ſuborned Witneſſes for his Vineyard*, 1 Kings 21. 9. 10. Kings are not uſually ſo ignorant or careleſs of their Rights. But if our *Malmsbury Leviathan* had lived in thoſe days, he would have taught them more wit, and how that *Subjects are but Servants to Kings, and whatever they get is for their Lord and King.*

How ſeverely did *God puniſh* Zedekiah *King of* Judah after he made a *Covenant with all the People* which were at *Jeruſalem* before God, to proclaim liberty unto them, the breach of which Covenant, God accounted as the *Pollution of his name*; therefore threatned to give *Zedekiah and his Princes into the hands of their Enemies, and into the hand of them that ſought their Lives, and into the hands of the King of* Babylons *Army*; which afterwards he brought to paſs when *Nebuchadnezzar King of* Babylon *ſlew the Sons of* Zedekiah *before his Eyes, and alſo all the Nobles of* Judah, *put out the Eyes* of Zedekiah, *and bound him in Chains to carry him to* Babylon, *Jer.* 34. 39. a ſad example for Kings breaking Laws and Covenants made with their People. Hence *Cicero pro Flacco, Illi noſtri Sapientiſſimi*, &c. *they are our wiſeſt and beſt Princes, which command and interdict thoſe things which the People approve, or not approve of.* So the *People unto* Saul, *ſhall* Jonathan *dye who hath wrought this great Salvation in* Iſrael? *God forbid, as the Lord liveth, there ſhall not one hair of his head fall to the ground, for he hath wrote with God this day.* So the *People reſcued* Jonathan *that he died not*, though *Saul had determined it*, 1 Sam, 14. 15.

So *Abikam the Son of* Shaphan *defended* Jeremiah *the Prophet, deſtined to dye by King* Jehoiakim, *Jer.* 26. 24. *and yet were not Rebells.*

So the *Princes and Centurions ſlew* Athaliah *the Tyranneſs*, 2 Kings 11. So *Maccabeus ſecured himſelf and the Commonwealth againſt the* Macedonian *Tyrants.* So *Trasybulus deſtroyed the Thirty Tyrants of* Athens; ſo *the* Romans *by publick conſent expelled their Kings, wickedly tyrannizing over them, and tranſlated their Dominion Royal into Conſular Government*, and they often compelled their Conſuls to reſign their Office for Mal-Government; *Nero and Maximinus* great Tyrants, they judged and took away. So the *Electors cauſed* Wenſeſlaus *a Luxurious and Idle Prince, to quit his Empire, and put in his place* Rupert, *Elector Palatine.* So *Dion* much magnifies *Trajan*, for that when he delivered a *Sword* to one whom he advanced to the *Prætorian Cohorts*, ſaid *hoc pro me utere ſi juſta Imperavero, contra me, ſi injuſta. Uſe this in my defence, if I command juſt things, if unjuſt; then to my ruine and deſtruction.* So the *French depoſed their King* Childeric *for his careleſs Government, ſhaved him and made him a Monk, and choſe* Pepin (Maſter of his Palace,) *King in his Room.*

So *Lucius Craſſus*, that excellent Orator, unto the People at a time when he was Prince of the Senate; *Nolite ſinere nos cuiquam ſervire niſi vobis univerſis quibus & poſſumus & debemus; Suffer us not to ſerve any body but your ſelves all we can, which we ought to do.* For though the Senate governed the People, yet the People gave the Senate that power for their own good and comfort. So *Marcus Tullius proplancio, eſt enim conditio Liberorum populorum*, &c. *It is the condition and priviledge of Free-born Subjects, eſpecially of this People, and indeed of all Nations, that by their Suffrages they may add or ſubſtract from their Princes what they pleaſe; noſtrum eſt ferre modice Populi voluntates*, &c. *It is our duty modeſtly to ſubmit to the good wills of the People.* So *Tertullian* in his *Apologetico* to an *Ethnick Emperor*, boldly told him, *that an Emperor ought not to be called Lord*; Auguſtus ſaith he, *Imperii formator ne dominum quidem dici ſe volebat hoc enim Dei eſt Cognomen*, &c. *Auguſtus was the Founder of the Empire, and yet would not be called Lord, becauſe it was the Sir name of God Almighty, and if he be Father of his Countrey, how can he be Lord thereof?* O, but *Athanaſius* the *Egyptian Biſhop* ſays, that *it is a moſt wicked nefarious thing to call Kings of the Earth before Tribunals.* What then, when the Authority of Men, though had in great veneration, are trumpt up to juſtify any opinion, without producing the grounds and reaſon of ſuch their opinions, it is but *magnificum nihil*, makes a noiſe and a pudder, but neither proves nor convinces. Here's not a word out of Scripture to prove it; and in this there's as little credit to be given to *Athanaſius*, as when at the end of his Creed he boldly affirms, that *that Creed to be the Catholick Faith, which except a man believe faithfully, he cannot be ſaved*; A Creed which many doubt whether he underſtood it himſelf, or be yet intelligible to any other; however to place the certainty of Salvation upon ſuch myſterious expreſſions, believe it *quicunque vult*, I am ſure vulgar capacities cannot reach it, and they are the greateſt part of Chriſtians.

So St. *Ambroſe* of a *Proconſul* and *Catechumen* called to be *Biſhop of Milan*, is brought upon the Stage to ſerve the ſame turn, either unskilfully or flatteringly interpreting, *againſt thee only have I ſinned*, Pſal. 51. 4. who would have all People ſubject to the Emperor, and yet the Emperor be ſubject to him. *How did he treat* Theodoſius *the Emperor*, forbidding him to come into the Church, thereby demonſtrating himſelf to be a *Novice*, (i. e. newly come to the faith, from being a Proconſul and a Catechumen) in *the Doctrine of the Goſpel*, and lifted up with pride, whom at laſt proſtrate at the Biſhops feet, having obtained his pardon, and reſtored to the participation of holy duties, and ſtanding without the Rails, magiſterially and ſawcily told him, *O Imperator interiora loca tantum Sacerdotibus attributa, quæ cæteris contingere non licet.* In this his demeanour, he ſhewed himſelf rather a high Prieſt of *Jewiſh* Rites and Cuſtoms, than a true Biſhop of the Goſpel, *who ought to be blameleſs, and not lifted up with Pride, leſt he fall into the condemnation of the Devil.* I wonder in what Goſpel the Biſhop found ſuch authority to be his right to treat Emperors after ſuch a rate. This *Biſhop attributed abſolute dominion to the Emperor over others*, but it ſeems *reſerved Power over the Emperor to his own Tribe of Prelates*, and therefore repulſed *Theodoſius as ſubject to him, ſaying, Coæqualium hominum es Imperator & conſervorum, unus enim omnium Dominus Rex & Creator.* Very well, the Murder is now out, that myſtery which the ſubtilty and craft Eccleſiaſtick had long kept in the dark, the indiſcreet (to ſay no worſe) Zeal of this otherwiſe Pious Learned Biſhop hath brought to light. And this very St. *Ambroſe* being commanded by *Valentinian* the *Emperor* to depart the *City of Milan*, refuſed to obey, and being compaſſed with a company of Armed People, he *defended himſelf and Houſe againſt the Emperors Commanders*, and ſo *reſiſted the Supream Powers againſt which he had taught.* As to that place of the Pſalmiſt, *Pſal.* 51. 4. *Againſt thee only have I ſinned*, (whereof before) certainly

tainly every Individual hath the ſame right to the ſame Plea; and then I appeal unto and adjure all Eccleſiaſticks plainly to tell us, if Kings ſhould treat their Wives or Daughters after the ſame rate, whether they do really and truly believe, that Kings ſo treating them as *David did Uriah*, did ſin only againſt God, and not offend them alſo. Surely they dare not be ſo confident as to aſſert it no offence to them, and yet ſuch there are.

If this be currant Doctrine in this particular, it will as certainly hold in all other Sins; ſuch *Prieſts* as preach ſuch Doctrines, do manifeſt themſelves to be *Prieſts of Baal* rather than Prieſts of the moſt High God. What miſchiefs ſuch Preachments have done in the Chriſtian world, let the world it ſelf be Judg; look upon all the Courts, and lives of all Emperors, Kings and Princes Chriſtian, and tell me if we may not very probably judge by their Lives and Governments, that they think their Authority an Immunity from all obedience to the Laws of God and Man; and no wonder when ſuch Paraſites and *Sycophants* Preach and Print ſuch Doctrines.

That evil Kings are conſtituted by God; be it ſo, and ſo are all other evils; *ſhall there be Evil in the City, and the Lord hath not done it?* Amos 6. and yet the ſame *Prophet* bids us *hate the evil, and love the good*, and therefore for that reaſon have they God only for their Judge. What, above all Laws written and unwritten, natural and divine, and by no Laws to be called to Account by their Subjects, and be found guilty though ſo? Wherefore? certainly no Law of God forbids it, no Law excepts or exempts them, Reaſon, Right, Juſtice, Religion, true Policy and Government, reprove all indifferently without diſtinction or reſpect of Perſons. I have not as yet read or known any Law written or unwritten, natural or divine, brought to forbid the ſame: And why ſhould not reproofs and cenſures of ſin and vices and wrongs be executed againſt them, becauſe forſooth, though wicked, yet are conſtituted of God: wretched perverſe reaſonings! *I have created the Waſter to deſtroy*, Iſaiah 54. 16. Are Deſtroyers therefore above all Laws? Conſider well with your ſelves if the reaſons and conſequences be not the very ſame. How many Kings in Scripture conſtituted by God himſelf, have we known puniſhed, and that by Men? Are not *Popes* (Tyrants in the Church,) after the ſame manner conſtituted by God, as *prima ſedes anemine judicabitur* 77? and yet how powerfully can the ſame men plead for dethroning them, and yet plead impunity for Kings, Tyrants? How ridiculous is it to plead thus againſt *Baal*, (whoſe Province is conſcience only,) to be removed out of the Church, and yet Tyrants over our Bodies, Lives and Fortunes, Conſciences and Liberties, muſt be continued without control. If otherwiſe, then *Kingdoms and States would be turned topſy turvy*; be it ſo, if for the better, why not? If Tyranny and *abuſe of Power* muſt ſtill continue ſetled on its Dregs and Lees, then *Actum eſt, A Dieu* to all the happineſs of the Governed; if things once reduced *quo jure quave injuria* unto an il habit or figure, muſt they for ever ſo continue without contradiction? God forbids it, *the ſame power* (be it in free States or Kingdoms) *being devolved on one or more choſen from among the Governed if abuſed, naturally returns unto them again, who by their good will, pleaſure and ſuffrages conditionally conferred it on them, and they cannot deveſt themſelves of it.* Power from them who injures others by the moſt juſt law, muſt paſs unto them who ſuffer the Injuries, *for all Men are equally tied by Laws*, than which nothing can be more juſt; mortal Gods to do what they liſt, without control, there are none among us. Without all peradventure, they who have right to conſtitute Magiſtrates over themſelves, by devolving and deligating their own power on them, to manage and govern them according to their own Laws, to ſee them executed according to the ſimplicity and ſincerity wherewith they were made, without ſhams or tricks, or ſhaping or wreſting them to wrong ends and purpoſes, which they are obliged by Oaths (the moſt ſacred tye among mortals) to obſerve. *To them of neceſſity and of juſt right, doth belong the right of examining and cenſuring their Actions, and of calling them to an Account*, and to deal with them accordingly. *Vide Judicium* Lutheri *& Theologorum, &* I. C. *Wittiber-gentium de hac queſtione, Tom. Jenenſ. Germ. ap.* 384, *ad p.* 396. *& Martyr. comm. in cap.* 1. *Jud. p.* 37. *& cap.* 3. *p.* 60, 61. No Law forbids it, no Law excepts them, *Reaſon, Juſtice and God himſelf command all Tranſgreſſors to be puniſhed without reſpect or difference of Perſons.*

CHAP.

CHAP. XIII.

Duty of Kings who have Authority from Men. The Right of Legiſlation. The Law of Nature is the Law of God. Kings accountable. The Laws and Practices of Antient Kingdoms, Roman, Grecian, Lacedæmonian, Carthaginian; *what ſevere Laws they made againſt Arbitrary Power.*

IF Kings did rightly conſider as they ought to do, their own true intereſt both in reſpect of this world and the next, they would con their High Prerogative-aſſertors very little thanks for ſuch their exaltations thereof, but would rather eſteem them as the very worſt Friends they have; for whilſt they magnify Kingly Powers unto the Skies above the Laws, and are not accountable for Mal-government, they thereby *alarm* their Subjects, to awaken out of the ſuppoſed Dreams of their juſt Liberty and Intereſt, and to provide for themſelves, and to ſhake off the bondage of ſuch unlook'd for Servitude, wherewith they would ſeem to ſurprize them by ſuch Doctrines. And whilſt they teach ſuch Infinite Power to be the Right of Kings, they thereby render that power to be the more intollerable. Whilſt they teach Kingly Power to be Omnipotent, they excite the People to throw it off, rather than to ſubmit to ſo unjuſt domination to be the Right of Kings, whom they have ſet over themſelves for their good, and comfort, and not for their vexation.

As all Kingdoms and Republicks have their Authority in theſe our days by the Laws of Men to govern, ſo they are obliged by the ſtricteſt Bonds of divine and humane Laws to manage their Government in the firſt place to the glory of God, obſerving his Commandments in general, *to fear him, to walk in all his ways, and to love him*; then to order the Government aright for the good of the Governed, by well ordering of Laws according to their ſimple meaning and true intent, without ſhamming or tricking, exemplary encouraging, and exhorting their Subjects to Honeſty, Piety and Juſtice, puniſhing all ſuch as trangreſs Gods Commandments, eſpecially thoſe of the Decalogue; for this Power is not Arbitrary, nor given them for their own uſe only, to manage as they pleaſe, but *for the good and benefit of the Governed*, which they are obliged to do by the Laws of God and Man. Preachments and apprehenſions to the contrary, may cauſe even Saints to be miſguided and to act beſide their Rule, and to deem themſelves Arbitrators of the Government wherewith they are intruſted by the true Patrons thereof, and confirmed and ratified as neceſſary for the good of the governed by God himſelf; for that *over a multitude of People, conſiſting of many and ſundry Families* (as every politick Society doth) *impoſſible it is, that any ſhould have compleat lawful Authority but by conſent of Men, or immediate appointment of God, who hath power over all*, and who by the natural Law hath made all ſubject. The lawful Power of making Laws to command whole Politick Societies of men, belongeth ſo properly unto the ſame intire Societies, that for any Emperor, Prince, Potentate, or Captain General of what kind ſoever on earth, to exerciſe the ſame of himſelf, or to act contrary to Laws made by publick conſent, and not either by expreſs Commiſſion immediately and perſonally received from God (unto which it is now utterly impoſſible, that any juſt pretence can be made) or elſe by authority derived from their conſent, upon whoſe Perſons they impoſe Laws, it is no better than down right Tyranny. *Laws nor Powers there can be none lawful, which publick approbation hath not made ſo*; and the *publick power of all Societies is above every Individual contained in the ſame Societies of what quality ſoever they be.* I may confidently divine, that no People ever were, or ever will be well pleaſed with Governours that mind more their own benefit, pomp and pride of Life, than the good and ſolace of the governed; it being the natural and fundamental right of the Governed to deligate as much of their own power, without deveſting themſelves thereof, as they think fit to Kings or Republicks, ſubject nevertheleſs to the truſts repoſed in them to be always improved and imployed for the welfare of the Governed.

All People generally bear and are contented with a moderate Yoak, but from too heavy a bondage all naturally endeavour to free themſelves by all means, though indirect. The Hiſtory of *Nodus Gordianus* is applicable to all humane tyes and obligations

of

of Governments, and ſometime or other will have the ſame fate. Therefore it is very indiſcreet Zeal in any, and much more in Miniſters of the Goſpel, to preach up ſuch Prerogatives to be in the hands of Princes, which are always prone to end in the diſhonour of God, and in publick confuſion.

Lycurgus, a *Spartan* King, obſerving his Neighbouring Princes ſtruggling to get all Power into their hands, and thereby ruining themſelves and their Citizens, he thought it his wiſeſt courſe to take the *Senate to be his Conſort in Government*, and the Power of the *Ephori*, as a check upon himſelf; whereby he eſtabliſhed and tranſmitted a firm Kingdom to himſelf and his Succeſſors for many Generations. Likewiſe the moderation of *Theopompus*, King of the *Lacedæmonians*, who lived more than One hundred years after *Lycurgus*, was ſuch, that he *conſtituted the popular Government of the* Ephori *above his own Regal Power*, and gloried that he had left and eſtabliſhed a more firm and durable Kingdom to his Children and Poſterity. No inconſiderable examples, if rightly conſidered, nor unworthy to be imitated. No Law ever eſtabliſhed one Man, King, and Lord above all Laws, neither could they if they would. For *that Law which overthrows all Laws*, (as ſuch a Law would do) *can be no Law*. Can it reaſonably be imagined, that the Power, or rather the Impotency of one Man (be he King or Emperor) can have more of Divine Right in him to a *common Evil*, than the Power of whole Kingdoms have of the ſame Divine Right in them to a *common Good*? Far be it from all civil Societies to have ſuch brutal thoughts; for whilſt Kings are exalted above all Laws (as Pulpiteers would have them,) they thereby reduce rational Men to the condition of Brutes, to be brought under *Axes and Harrows* without hopes of redreſs.

It is evident, that *Natures Law makes no Kings, nor gives any right of Succeſſion, or Inheritance* when made, nor any right to govern Arbitrarily; nor yet *the Law of reaſon*, which bindeth reaſonable Creatures in this World, and with which, by reaſon they may plainly perceive themſelves bound to ſubmit to ſuch Laws and Ordinances, as publick reaſon doth conſtitute for the good of the whole, and *to prefer the good of the whole before any private good whatſoever*: and therefore Kings from hence cannot have any right to wrong or oppreſs any People, being themſelves inferior to the whole. Now ſeeing *Kings have no right by the Law of God, of Nature, or of Reaſon*, to injure or oppreſs any, it remains therefore, that the *People are by Natures Law Supreme*; and that by the ſame right by which Men firſt aſſociated and took counſel together how to live in Peace, Plenty, Liberty, and to Defend themſelves from Oppreſſion, before ever Kings were or could be ſet over them; by which right alſo for common Security, Peace, Liberty, Juſtice, *&c.* they conſtituted and preferred one or more *from among themſelves*, to preſide over them for his or their ſingular Prudence and Wiſdom for management above others; *by the ſame right they may cenſure and renounce the ſame Men for Negligence, Wickedneſs, weakneſs of Parts, or for any Male-Government*. When a People by the Law of God, of Nature, and of Reaſon, do contrive and eſtabliſh a Governour over themſelves, it muſt neceſſarily follow, *that the People are to be preferred before the Governour, be he Monarch or other*; and therefore there can be no right in him to injure or oppreſs the People, and therefore the *right of the People is by the Law of Nature and of Reaſon moſt Supreme*.

There are no Kings, nor any Right of Succeſſion by any Law of Nature, but by the Law of Nature and of Reaſon both, both may be eſtabliſhed; by which very Laws the moſt prudent and moſt deſerving have the faireſt pretence, the diſcerning and diſcriminating of which *lies wholly in the Breaſt and Power of the People*. Shew me one Law of Nature, or any rule of natural Juſtice, whereby the Inferior's guilty of puniſhable Crimes ought to be puniſhed, and the like guilty Potentates ought to go ſcot-free: the Law of God declares the contrary. *The mighty ſhall be mightily puniſhed*. Laws are not Cobwebs to catch little Flies only, and let Bees, Waſps, and Hornets eſcape through *impune*. Kings by Nature are no more Sacred than their Subjects, they are all God's anointed; and if tranſgreſſors, are as puniſhable as they, by the ſelf-ſame Laws of God and Nature. *No Law of God or Nature Authorizeth any one ſo to govern, as that all the governed muſt be ſubject to puniſhment, but the Governour exempt and free from cenſure*. It's true that the Papiſts have an Axiome, as before, *viz. Prima ſedes à nemine judicabitur*. A poſition as falſe as Hell. Where ſuch Laws are in force, the Laws of God and Nature are infringed and violated. If Kings break their Oaths and their Truſts ſolemnly made to the People, and become Tyrants, the People are by his Perjury and breach of Truſt (without the help of Popiſh Diſpenſations) diſcharged of their Oaths of Fealty and Allegiance, as alſo by common Juſtice and the Law of Na-

ture. *Quem populus non vult, statim is non Rex sed tyrannus est.* Arist. Pol. lib. 3. cap. 10.

The Law of Nature is the Law of God; between which there is a most Divine harmony. Consider well what Laws God hath appointed for Kings; and how the People of God, both *Jews* and *Christians*, have behaved themselves towards Kings, and at the same time it must appear, that nothing is more agreeable to the Laws of Nature, than to punish and remove Tyrants. The Law of Nature and Reason seated in the minds of all Men, and respects the good of all Men indifferently, that the strong may not oppress the weak, nor the rich the poor; which Laws cannot be made binding but by common consent; nor any made Governour to see the just and equal execution of them, but by like consent: and therefore both Kings and Republicks being so estated by the People for their own good, it necessarily and unavoidably follows, that the *People must be the more Worthy and Superior*; and consequently there can be no right in any Monarch or Republick to afflict or oppress the People, and therefore by the *Law of Nature the Right of the People is Supreme*; by which Right before any Kings were erected, the People first associated and consulted for their own mutual Defence, Liberty, Peace, and Happy living together; by which Right also in process of time, they did prefer some one or other from among themselves, whom they did esteem most worthy to preside; and by the same Right they did censure, or remove upon breach of Trust; *Nature not particularly respecting the good of one, or of a few, but of all in general.*

For this we have a *more sure word of Prophesie*, even the Testimony of God himself in *Caiphas* the *high Priest his* Prophecy, *That it is expedient that one Man should die for the People, and that the Nation perish not*, John 11. 49, 50. Which words, though in their proper signification have respect to the Crucifying of Christ, yet they are grounded on this natural and fundamental Maxime, *That the Good, Happiness, and Interest of a Nation is to be preferred before the Interest, Welfare, Will, or Pleasure of any Man, King, or Prince.*

No Men can by any Law of Nature lay any claim to Kingship or Succession, it must come *ab alio Jure*; and that can now adays be from no other but by the suffrages and free consent of the governed. They that otherwise sit on Thrones, be it by Conquest, Faction, Craft, or any other Means or Artifices, are but Usurpers at the best. Natural and Moral Right may seem to favour the most prudent and just Persons to sit at the Helm of a State, but confer no absolute nor indefeasible Right to a Throne or Succession: such Persons best qualified have the fairest pretence to Government; but for the weak and simple, the wicked and unjust to domineer over the righteous and just, and to rule with rigour, is contrary to the Law of Nature: and to labour and endeavour to break off the yoak of such Bondage and Impery, is likewise according to the Law of Nature, *& virtus vocatur*. The People for certain were before there could be any King; and consequently Kings must be made by the People, and therefore are superior to them in some sense, according to *quicquid efficit tale est magis tale*: a rule as true in Politicks as in Naturals. Produce who can, any one Law of God and Nature, or any one Rule of Natural Justice, by which Usurpers, Tyrants, perverters of Law and Justice, are to be free of punishment, and yet the Inferior People to be subject to punishments for Crimes of the same nature. The Reason and Law of Government, be it Monarchical or Republick, is equally natural. Kings by Nature are no more Sacred than those seated in the Government of Republicks, who *nemine contradicente* may and ought to be punished, and why not Kings when transgressors, their Power being given them by the same Persons, and for the very selfsame ends and purposes, the good of the governed?

To assert the *Oaths and Pacts of Kings* with their People to be obliging, and yet to be unaccountable and unreprovable for any breach of them, is with the Cow to give good Milk and then kick it down: at one and the same moment to make good Laws, and yet to abolish and null them, which ought to have dominion over both Kings and People.

Look into Ancient Histories, which strut with examples of Governors, Kings, and others, brought to Judgment and condemned by the People, *Lacedæmonians, Grecians, Romans*, &c. formal Governments.

Victima haud ulla Amplior,
Poteſt magiſque optima mactari Jovi;
Quam Rex Iniquus. Senec. Frag.

Lex P. Valerii. 2. Martii Fab. Maximi Scyllæ. C. Gracchi plebiſcitum. Lex Annaria, &c.

See the Edict of *Theodoſius* and *Valens*, Chriſtian Emperors, *Codex* 1. *tit.* 14. *De Authoritate Juris, Imperatorum pendet Authoritas.* The Majeſty therefore of *Cæſars* muſt ſubmit to the Laws on which they depend. Whoever conſults and conſiders the very ſevere Laws of the *Romans*, *Grecians*, *Lacedæmonians*, *Carthaginians*, *Athenians*, againſt the Licentiouſneſs, Oppreſſions, Tyranny, Inſolencies, *&c.* of their Emperors, and other Magiſtrates, they will find that they were made with all the Sincerity, Care, Caution, and Wiſdom, that the Underſtandings and Wiſdoms of thoſe ſeveral Countries and Ages could afford, and that the breach of them were very ſeverely puniſhed. *Valerius Publicola*, Collegue of *Junius Brutus*, after their Kings were baniſhed, made a Law, That when *Tyrants by reaſon of their armed Soldiers could not be brought to Judgment, it ſhould be lawful for any Man to reſiſt them by any means, and afterwards to give an account of their ſo doing.* Such like Appeals and Examples are common amongſt moſt Nations.

Ambiorix, King of the *Gauls*, confeſſed, that the Multitude had no leſs Power over him than he had over them. *Tacitus* writes of the *Germans*, *Nec Germanorum Regibus infinita aut libera poteſtas erat: de minoribus rebus Principes conſultant, de majoribus omnes Rex aut Princeps auditur Authoritate ſuadendi, magis quam jubendi poteſtate; ſi diſplicuit ſententia fremitu aſpernatur.* That their Kings had no Infinite or Arbitrary Power, *&c.*

Vid. A. A. A. lib. 4. cap. 6. p. 181.

It is not unworthy our conſideration to recount with how great ſeverity and ſtricteſt Diſcipline of Laws, and Ordinances both of the Senate and Common Council, the *Romans* did provide againſt the exorbitant, and imperious, licentious Government of *their Kings* beyond all bounds of reaſon. After the expulſion of *Tarquinius Superbus*, the laſt *Roman* King, all the Citizens of *Rome* aſſembled and concluded, that their Government under one, whom they called *King*, ſhould for the future be ſettled on two, whom at firſt they called *Prætores*, afterwards *Judices*, then *Conſules*. *P. Valerius*, who was choſen *Conſul with L. Brutus*, made a Law, *That it ſhould be lawful for any Man to Appeal from any Magiſtrate whomſoever to the People*; *eſteeming ſuch Appeals as Bridles and Curbs to licentious Governors*: And ſome do contend, that Appeals during the *Reigns* of their Kings from them to the People were in uſe before, and that it was ſo provided by their *Pontifical Books*; which Law was re-inforced again by *Muræna* the Conſul, *quo tempore Sora & Alba coloniæ deductæ ſunt.* Afterward, when the *Decemvirate Impery* was annulled, the People of *Rome*, the better to provide againſt *Arbitrary Government*, beſides the *Tribunes of the People*, who had the Protectorſhip of the Liberties and Goods of the People, made a new Law, That if any ſhould create a Magiſtrate without the *interceſſion of the People or their Tribunes*, it ſhould be lawful for to kill him. Which *Duellius* the Conſul ſoon after renewed by an other Conſtitution, *That whoever created a Magiſtrate without the benefit of Appeals, his Back and Head ſhould pay for it.* Notwithſtanding all theſe ſeverities, yet the Nobles did oppreſs the Commons; and therefore, as the only remedy thereof, *M. Valerius* before the firſt *Punick War* made a Law, called *Lex Valeria*, which among other things did provide, *That whoſoever appealed from another Magiſtrate, ſhould not be puniſhed either Head or Back.* But yet the Liberty and Goods of the People not being ſufficiently ſecured, but that the more mighty did oppreſs the leſs powerful; the richer the poorer; *M. Valerius* the Conſul did a third time promulgate a Law, with grievous puniſhments to thoſe who ſhould prohibit Appeals to the greater Tribunal, in ſo much *that thoſe who were violently oppreſſed and condemned, he gave the right of Appeal to the People*: And yet after a few years *Caligula* on pretence that Suits ſhould not be drawn out, and wier-drawn too long, did inhibite many Appeals. Although Appeals, *the chief protection of the People from Injuries*, was ratified by ſo many Laws, and yet proved inſufficient thereunto; therefore *Martius Cenſor* made a Law in behalf of the People, *That no Man ſhould be preferred twice to thoſe higher places.* And then *Fab. Maximus* in favour of the People ordained, *That no Man ſhould in ten years be admitted to the ſame Place and Authority.*

Then

Then *L. Sylla* by a Law *forbade any Man under great punishments to be a Prætor before he had been a Quæstor: or Consul before he had been a Prætor, and the same Man not to be advanced again into the same places within ten years*, deeming the frequent exaltations into Powers would make the Powers not to be endured; which Law was afterwards extended unto twenty years. There were many Acts also of the Common Council extant, by which it was provided, *That no Man should bear two Magistracies, especially that of the* Curulis, *in one year*; neither the *Plebeian*, nor the *Patritian*. *And all Magistrates were before admittance to be sworn; and not to stay therein above five Days except they were sworn; and if they carried themselves proudly and insolently in their Government they were to be cast out*: the first of such was *Tarquinius Superbus*: afterwards (Kingship being banished) *Sergius* and *Virginius*, Tribune Consuls, and *Cn. Manlius* and *Servilius Cepio*, Pro-consuls, the Senate for their Male-Government caused them to quit Magistracy, and to lay down their Ensigns thereof before the time appointed: Which *C. Gracchus* by another Ordinance of Common Council confirmed, and also provided, *that if any one was discharged of his Magistracy for unworthiness, was thereby rendred uncapable of future preferment to the like, neither were the greatest commands to continue if they transgressed on the Liberty or Right of the People.* Magistrates and Honours in the Government were forbidden to be continued above one year by the *Lex Annaria*: But *Julius Cæsar* by a Law established, That the *Prætorian Provinces should not continue above a year, nor the Consul above two years. Tiberius* did not easily take away Honours from them, on whom he had conferred them, presuming that the fat Flies would not pill and pole the People so much as the lean. And when their Magistracy was ended they were not to expect a Successor till thirty days were expired by the *Lex Cornelia*, and then they were to render an account of their Government by the *Lex Julia*. And therefore we read of many *Consuls and Prætors condemned after their Government ended.* Among the *Grecians* we find that he that could not give a good account of his Stewardship, *alegit teneretur*. Among the *Athenians* it was so provided by a Law, *That the Governors of their Commonwealth, yea, and their very Priests were subject to render an account thereof to the People.* The *Carthaginians forbade their Governors Wine during their Government, lest thereby they should be deceived.* Among the *Thebans* there was a Law, *That no Man should be a Governor of the publick that had not given his Trade over ten years.* The *Bythinians, that no Man under thirty years old should be admitted a publick Governor*; *which* Augustus *reduced to twenty two years old.* And if at any time, after their Magistracy was ended, they refused to resign their Empire to the Successor, or would continue to have the *Fasces carried before them beyond the just time, it was a capital Crime against the People.* The like was among the *Thebans.* And yet it is recorded, That *Epaminondas* the *Theban*, studying the good of his Country, did continue in his *Prætorship*, and refused to deliver up his Army to his Successor, designed at a time when he had by force of Arms torn the *Lacedæmonians* to pieces, and Civil Wars, left it he had quitted his *Prætorship, his former Successes had been frustrated; for which being condemned, the People notwithstanding by common consent absolved and quitted him.* So severe was the Discipline of the *Carthaginians, That if the Emperor or Captain General had followed ill Counsel, though the success proved happy, yet was he to die the shameful death of the Cross for it.* The *Romans* when their Captains had through rashness or unskilfulness lost a Battel, they were fined, and banished.

By the Law also first made by *Valerius Publicola*, it was provided, *That whoever received not their Impery or Magistracy from the People should lose their Heads*; which also was observed by the *Athenians, who admitted no Magistrates but who were chosen either by lot, or publick or common suffrages.* So great was the Care, Industry, and Endeavours of the Ancients to prevent the Insolency and Oppression of Magistrates, as to bind them up by strictest Laws and Oaths. *A. G. A. lib. 4. c. 6. p. 181, 182.*

It may be true what some Authors have asserted, That at the beginning of the Roman *State there were no Laws* made by *the common Prescript of the People, but what their Kings or Generals of their Armies did prescribe, that was to be taken and observed for Laws.* The cause might be reasonable, for that they having the Power of the Army they might force obedience as they pleased, having by that means the command of punishing, and rewarding; and also of hearing and determining the Causes, Complaints, Condemnations, &c. of the Citizens. In process of time this *Imperial and Tyrannical Government found some redress from* Romulus *and other Kings* by the *Leges Curiatæ*; but more notably by *Servius Tullius*, in which, though the People were not consulted, yet the Senate was: and thence they were called *Leges Sacratæ*; by which their Kings also were bound. Which at first being made without any due or regular order, they were ordered

lected and reduced into order by *Papyrius*, and then that Collection was called *Jus Papyrianum*. But when *Kings would not be bound by thoſe Laws, and therefore were baniſhed*, then the Right and Power of *Legiſlation was conferred on the Conſuls and Annual Magiſtrates*; and whilſt it laſted, by the advice of the Senate, the *Laws were brought to the People for their ſtamp*; which being obtained, they remained firm and uncorrupted. *Et quodcunque poſtremum Populus juſſit id jus ratumque* 12 *Tabb. lege ſancitum eſt, v.* Calv. Dict. 993. *Neither the Conſuls only, but the Dictators, the Prætors, the Ædiles, the Cenſors might make Laws for the People*, which being proclaimed *by the command of the People*, were eſtabliſhed; and therefore *all from the higheſt to the loweſt were bound to the obſervance of them: But if the People did not approve of them, or the Senate did not receive them, they were then of no force.* The *Cryer* by the Authority and Command of the *Dictators, Conſuls, or Prætors, brought the Laws to the People*, the Scribe alſo going before, and ſubjecting the ſame to the People, it was then confirmed; and that which by that Law was provided for, *the People were made the Author of*, and being *made and Proclaimed and Engraven in Braſs, and laid up in the Treaſury of the Rolls or Records, it bound all, High and Low, Rich and Poor, ſo firmly, that if any one did any thing contrary thereunto, it might appear on Record, that it was done contrary to right, and the tranſgreſſors might juſtly be mulct or fined. But if any thing were to be added or ſubſtracted to the ſame Law before it was propoſed in the Market place, and before it was ingraven in Braſs, it might eaſily be done, afterwards not. But if any one otherwiſe well deſerving Perſon of the Publick, were to be indulged for the breach of ſome Law, the Senate deſiring, and the People commanding, he might be abſolved after the manner of the* Lacedæmonians.

But *Alexander Severus* the *Emperor* would make no law ſacred without the Council of Twenty of the ableſt *Civil Lawyers, and* Fifty *of the other moſt Prudent Perſons firſt had*, which Ordinance the Antients diſtinguiſhed into *jus & fas*: the *jus* had reſpect to things *humane* and temporal, *fas* unto things *divine*. But it is obſervable, that not only the Laws publiſhed by the *conſent of the People* were ſacred, but alſo the *Orders made by Common Council*, and by the Senate, Edicts of Magiſtrates, the Authorities and Reſponſes of the Lawyers, and the Decrees of Princes, and Caſes already adjudged to have the force of Laws in which all civil Right conſiſts. There were alſo *Plebiſcita*, Laws of the *Common People*, which upon the demand of the *Tribunes of the People*, had the force of Laws; for *Quintus Hortenſius*, when the *Commons of* Rome had withdrawn themſelves into *Janiculum* (a Town beyond *Tyber*,) made a Law, *that thoſe things which the Common People had commanded, all the Quirites, the Roman Citizens ſhould be obliged by, and obſerve*; which Law *L. Valerius and M. Horatius* had granted *Centuriatis Comitiis*, i. e. *to the general Aſſembly of the People of* Rome, *aſſembled to treat of common affairs*. There was great difference between *Plebiſcita*, Orders made by the common People, and the Laws: for the *Plebiſcita*, the Tribunes demanded thoſe things which did belong to the People; but the Laws either *Conſul* or *Prætor* or other Magiſtrate adviſing *rogabantur*, were demanded whether they ſhould be ratified or not. They made alſo a difference between *Populus*, the Citizens of *Rome*, and *Plebs* the common Rout; for that among the *People were Patricians, Senators, and the Nobility*, but among the Rout there were no *Patricians*. Notwithſtanding, whatever the *People* commanded, was not always to be ratified, becauſe whatever was not juſt, the People might not command. The *Counſels of the Senate*, though they were not brought, yet if the *Tribunes* approved thereof, and would have them ratified, they obtained the force of Laws. *The Edicts and Interdicts of Prætors alſo ſometimes, and under ſome qualifications, had the force of Laws*, which were intituled *Jus Honorarium*, which were taken away by the *Lex Cornelia*. Alſo the Reſponſes of Wiſe-men went ſometimes for currant. Likewiſe the ableſt and wiſeſt Lawyers were eſteemed and uſed as the beſt Interpreters and Judges of the Laws, which ſome ſay was granted to them by *Auguſtus*; others as confidently affirm they had it not from *Auguſtus* and other Princes, *but of antient cuſtom and right long before.*

But *Caligula* (that Monſter and Enemy of Mankind,) *cauſed all the Decrees of the Lawyers to be forbidden, and no body but himſelf to be the Interpreter and Judge of them.* At leaſt, the Decrees and Conſtitutions of Princes went for currant Law: For when *Cæſar and the following Emperors had obtained the chief Empire, and they only gave Laws, and all the Right and Power of Legiſlation was rent from the People, Lege Hortenſia*, and was given to the *Cæſars, ſo that their Wills and their Decrees* (without the counſel or conſent of the People as formerly,) *had the force of Laws*, contrary to the Laws of God, Nature and Reaſon: *Caracalla* being fully poſſeſſed of this exorbitant power, uſed it accordingly, *who firſt killed his own Brother* Geta (who had equal ſhare with him in

the Government by the appointment of *Severus* their Father,) and then cauſed *the great Lawyer Papinianus* to be put to death, becauſe he would not defend that barbarous Act of his before the Senate, alledging for his juſtification, *that it was eaſier to commit Parricide, than defend it*; but afterwards this *Caracalla was contented* more Majorum, *to have him Canonized.* Divus, modo non ſit vivus, *to deify him (being dead) in another world, rather than to have him a living Co-partner with him in the Empire.*

On the contrary, *Trajan* (that moſt excellent Emperor,) being poſſeſſed of the ſame power, and having publiſhed ſome private and ſpecial Laws, or Indults for great merits; and underſtanding that ſome relying thereon, made ill uſe thereof, by drawing them into Example; and fearing leſt contrary to the Laws and Cuſtoms of the Antients, they ſhould be drawn by application unto wrong Cauſes, and being brought into Judgment and Courts of Juſtice, or Pleadings as Precedents, they ſhould paſs for Laws, he refuſed afterwards to anſwer Plaintiffs or Defendants, by any writing or *Libel of Record*, leſt thereby pernicious examples, and as it were Seminaries of ill might ſpring from thence.

Antiochus had ſo great veneration for the Laws, that by his publick Edicts he did declare, *that if he had at any time decreed contrary to Law and Right, it ſhould not be obeyed, but ſhould be freely oppoſed*; by whoſe example *Ageſilaus would be obliged by no Promiſes that he ſhould make, but on condition, that they were juſt.* At what time the *Common People* did chooſe their Magiſtrates (whom they always accounted as ſacred) in the *ſacred Mount*, it was provided by a Law, that it ſhould not be lawful for any *Patrician* to apprehend or diſturb any of them: and not without cauſe; for when againſt the Power and Inſolencies of the *Patricians*, the common People did aſſemble to *chooſe Tribunes as Champions and Defenders of their Laws and Liberties*, to hear complaints againſt the *Patricians*, it would be very unjuſt, that *in that, in which the People did chooſe their Defenders to the height and pitch of Honour, they ſhould admit thoſe who were moſt adverſe and ſhagreen to their Liberties and Franchiſes.* They eſteemed their *Tribunes* as the *Ephori* among the *Lacedæmonians*, advanced and delegated to that office, *to curb the Inſolencies of the* Spartan *Kings*, leſt they ſhould abuſe their power to the prejudice of the People. *Theopompus a* Spartan *King*, inſtated Five of his Friends to be *Ephori*, as his Auxiliary Miniſters in his Government at home, when he went abroad in Perſon with his Armies; though it was provided by the *Laws of* Sparta, that their Kings ſhould not go out in Perſon with their Armies: which *Ephori* in proceſs of time, came to have ſo great a power over their Kings, that they directed them what they were to do, and alſo were *Cenſors of all they did*, inſomuch that they called *Archidamus* to account, impriſoned him, laid a great mulct upon him, and at laſt took his life away. The like they did to *Pauſanias and Agis, Lacedæmonian Kings*, and were ſo terrible, that they erected *Timoris Sacellum*, a Chappel of Terror; which *Ephori*, together *with their Kings, did take Oaths every Month that they would obſerve the Laws of* Lycurgus, and preſerve the Kingdom in peace. In tract of time they grew ſo inſolent, that *Cleomenes broke their Empire, and reſtored the Kingly Power.* It was not lawful for any *Patrician* to accept of being a *Plebeian* Magiſtrate; and *Volero, Tribune of the People*, ordained by a Law, proclaimed with the conſent of the *Plebeians, that the* Plebeian *Magiſtrate ſhould be made without the Patricians, and only the Plebeians admitted to the Tribunitian Councils.* And though formerly to be *Dictator, Conſul, Prætor*, or *Cenſor*, none but *Patricians* were to be admitted; yet afterwards the *Patrician Magiſtrates were to ſhare and communicate with the* Plebeians. So *Sextius Primus, of a Plebeian was made a Conſul*, which then was ratified, *Lege Licinia, which C. Licinius* and *L. Sextius*, Tribunes of the People, proclaimed, that *the Conſulſhip ſhould be common with the Plebeians. Q. alſo, P. Philo, and Cl. Licinius Stolo, Plebeians*, the one did bear the office of *Pretorſhip*, the other the *Maſter of the Horſe, with the Patricians.* Moreover the *Dictatorſhip* (in which was placed the greateſt *glory*) and *Cenſorſhip*, we find to be *in common with the Plebeians.* For both *M. Rutilius* the firſt *Dictator and Cenſor*, then *Q. Pompeius*, and *Q. Metellus were both made Cenſors from the Plebeians*; which Law *Philo the Dictator* is ſaid to have made. All the *Patrician Magiſtrates, even thoſe alſo of the Pontificates and Prieſts, were made, the Plebeians being firſt conſulted.* In ſumm, *ſo great was the honour of Tribunitian Power, that the People of* Rome *gave it to* Octavius Auguſtus, *and then to the* Cæſars, *as a ſpecial remark of Favour.* Yet it muſt not be omitted, that though the *Conſuls and Prætors might be called to account by the Tribunes of the People*, yet *Cæſar by the right of his ſacred Power, was free from all Power of the Magiſtrates.* But notwithſtanding, *if he did abuſe the Power ſo conferred upon him, or ſhould diminiſh, or infringe the rights of the People, or if he did intercede or forbid, or compel when or where he ought not; or if he*

did enterpriſe or endeavour any thing againſt the good of the People, he might be ſummoned by the Conſul or Tribunes of the People; and if found guilty, he might by their Suffrages be degraded and puniſhed; and then he was no more accounted *Sacred*, but *Prophane*. When *nine Tribunes of the People, with Sp. Craſſus*, left Magiſtrates (*more majorum*) ſhould be ſubſtituted, did conſpire and confederate againſt the liberty of the People of *Rome*, *Pub. Mutius, a Tribune of the People, did not only put them out of their Tribuneſhip, but by right and law did Puniſh them.* And *Tiberius Gracchus* (the major part of the Tribunes approving,) deprived *Octavius* (his Colleague in the Tribuneſhip) *of his Power, for that contrary to the good of the Publick, he had interceded or oppoſed himſelf.* The words of the Law by which the Tribunes of the People are made ſacred, are *Tribunum invitum, tanquam unum è multis, nemo cogito agere, neque verberato, neque alteri ut verberet imperato, neque occidito, neque occidi jubeto: ſi quis autem prohibitorum horum quid fecerit, impius execrabiliſque eſto, bonaque ejus publicato ad ſacra Cereris, & qui aliquem hæc agentium occiderit, cædis expiatus eſto*, 3. 66.

Lycurgus a Spartan *King, and of antient Kingly Race*, (famous and celebrated for good Government, and for making wiſe and good Laws,) deſigning to eſtabliſh *Kingly Power upon a more ſure foundation*, he thought no way ſo good and ſo proper (as *Plato* hath obſerved,) as to conſtitute a *Senate* or *Ephori*, i. e. *the Power of the People, greater than that of Kings.* So thought *Theſeus Euripideus, King of* Athens, who having *vindicated the liberty of the People of* Athens *to his great glory, did eſtate the Popular Power above the Kingly, yet nevertheleſs, left his Kingdom to his Poſterity.* All wiſe and civilized People have ever eſteemed *the Laws to be King, which it cannot be except it hath Power over Kings. Ann. Dom.* 429, in the time of *Theodoſius* 2*d*, *and Valentinian* 3*d*, *Florentio, Dianyſio and Coſs*, upon complaints made concerning *Appeals*, it was anſwered, that ſaving the reverence of our Majeſty, *we do not diſdain to have equal Law or Juſtice with private Perſons.* L. ult. de appell. & conſult. Cod. Th. Abeſt a. Cod. Juſt. And ſuitable to this was the Anſwer given to the *Meſſengers of Africk*, by a Law directed to *Voluſianus* the Præfect; *viz. It is a reſolution worthy the Majeſty of a Prince, to own himſelf bound up by the Laws; ſo much doth his Authority depend upon that of the Law; and indeed it is a thing greater than Empire, to ſubmit the Princes Power unto Laws, and by the Oracle of this preſent Edict*, (ſo it concludes,) *that which we do not permit to be lawful to our ſelves, we declare to others.* L. 4. de leg. Cod. Juſt. lib. 1. tit. 14. So juſt and temperate was the Government of the *Romans* under *Theodoſius* and *Valentinian the Third.*

Kingly Power ſo tempered, may very well conſiſt with the Liberty of the People. It was ſo tempered and uſed with the *Spartans, Thebans, Athenians, Sicilians*, and others. When all power is given by the People to Kings, whereby they obtain that Title, *yet it is given in truſt for them, for the ſafeguard and welfare, and not for the Deſtruction or Prejudice of the People, to have the benefit and freedom of their Laws, and not be Slaves.* O, but after this rate, *Kings* reign not by God's, but by the Peoples appointment? Very true, for no Kings now Reign by Gods Perſonal appointment, but by his approbation and allowance only, as all other Governours do; And as if God did not ſo govern the People, that the People conferred Kingdoms according to the good will and pleaſure of God Almighty. Though the People of *Rome* by the *lex Regia*, gave their power to *Romulus* their firſt King, yet did they not thereby give up themſelves to be Slaves; for among the ſame Laws, they had their Laws alſo in favour of themſelves. And the *Emperor Juſtinian* in the very Inſtitutes acknowledgeth, that the *Cæſars* Reign according to the *lex Regia, by the voice and ſuffrages* of the *People, Populi ſuffragia ſunto: Magiſtratus creanto: Leges ſciſcanto: Pacem bellumque jubento.* And among the fragments, the firſt Law is, *Jus Populi & ſuffragia ſunto, quodcunque poſtremum Populus juſſit, id jus ratumque*, 12 Tabul. *lege ſancitum eſt.* v. Calv. 983. 986. When *Proud Tarquin* beſtroad the Throne, and violated all the wholſome Laws of *Servius*, and contemned all the Laws of his Predeceſſors, *reducing all to Luſt, Will and Pleaſure*, they ſoon expelled him, and *changed their Kingly Government unto Conſular*, and choſe *Brutus* and *Valerius for their Conſuls*, who reſtored the Laws, and others reſtoring the People to their antient and juſt Rights; ſuch were *Leges Valeriæ, Sacratiæ, Icilie* and others; all which did reſpect the publick good, one whereof made by *Valeria*, (*Brutus* being dead,) was, *that there ſhould be an Appeal to the People againſt all Magiſtrates adminiſtring wrongfully, and that none ſhould command in* Rome, *but they on whom the People ſhould confer Power ſo to do, who with their Goods were to be accounted Sacred; and if any did uſurp ſuch Power without their conſent it ſhould be capital*, Calv. p. 1099. Such a *Kingdom* is by *Ariſtotle* called moſt properly a *Kingdom*, which

which was among the *Spartans*; where notwithſtanding the *Popular Power was above the Kingly*, which cannot be denied, where the People paid all Homage, Duty, Honour, and Reſpect to their *Kings*, though the Power remained with them, which they did not ordinarily exerciſe, yet on juſt occaſions reſumed and obtained it.

It is objected that the People having once delegated their Power to Kings, forfeit it, neither can the People reſume it; yet theſe that thus object, do conteſs, that the People may reſume their delegated Powers from any other kind or form of Government. But what makes the difference, is paſt my underſtanding, when Kingly and all other Governments receive their Power from the People on conditions, and which they are ſworn to obſerve and keep; and why *that Power which is only Fiduciary*, and become forfeited for Mal-government, ſhould not return unto them who delegated it, as well from Kings as from *Conſuls*, *Senates*, *Tribunes*, *Duumvirates*, *Triumvirates*, *Decemvirates*, *Ephori*, or any other form of Government, is paſt all underſtanding. It is alſo ſcornfully objected, this is to be a *Duke of* Genoa, a *Duke of* Venice, not a *King*. They who have ſo mean conceits of ſuch Governments, (which in reality are as much approved and allowed by God as Kingly, even by the ſame Scripture,) are not worthy to preſide in any Government.

If the Opinion of the *Millenaries* be true, and *Chriſt* ſhall come and reign upon the earth 1000 Years, will he not do all things for the good of the Governed? Will not *his eyes be on the faithful of the Land, and on them that excel in virtue? will he not hate the works of them that turn aſide? will he know a wicked Perſon, except to condemn him? will he ſuffer them that have High Looks or Proud Hearts? will not his eyes be on the faithful of the Land, that they may dwell with him? ſhall not they that walk in a Perfect way ſerve him? ſhall they that work Deceit dwell in his Houſe, or they that tell Lies tarry in his ſight? and will he not deſtroy all the Wicked of the Land, and cut off all wicked doers from the City of the Lord?* And cannot Kings do the ſame, whether their power be abſolute from God, or delegated from the People? Hath not Chriſt been among us already as him *that ſerveth*, and ſhall his *Vicegerents* think it below them to be like *their Maſter*? Were it not the moſt deſirable condition in the World, for Kings Chriſtian to be ſo ſeated on Thrones, as it could not poſſibly be in their power to do the leaſt injury to the meaneſt of their Subjects, and yet do good to all? Would not this be a condition acceptable in the ſight of God and Man? would not they thereby become *Deliciæ humani Generis*, as once *Titus* was? Will nothing pleaſe but *quod libet licet*, their Wills and Pleaſures to be their Laws? that *Juſtinian*-like, when inſtigated by an *Imperious*, *Whoriſh*, *Comedian* Theodora, they may ſecurely commit Outrages and Cruelties *ſans nombre*; or when tickled with a *Dancing Herodias*, ſhall take off any Head, though of a *John Baptiſt*; or when in the midſt of Adulterous Embraces, ſhall betray the ſtrength of a Nation to a *Dalilah* at pleaſure, and all theſe uncontrollably?

When the *Romans* had caſhiered *Proud* Tarquin *their King*, and in him *Kingſhip*, they delegated their Power on *Two Conſuls, to be check one upon the other*, that if one exceeded or abuſed his Power, he might be curb'd by the other; and though both ſhould agree to uſurp or extend the power given to the prejudice of the People, *yet both Conſuls and all other Magiſtrates were to be obedient to the Senate, whenever the Patricians and People thought fit*, which was always had in eſteem as the *Peoples Champion* and Defender of their Rights and Laws, *Tull. orat. pro Seſtio.* The like ſubject were the *Decemviri*, and all other the *Magiſtrates*, to the *Senate*, inſomuch that ſometimes the *Conſuls* were eſteemed Enemies before they quitted their *Conſulſhip*, and the *Senate* took Arms againſt them. So *War was raiſed by the Authority of the Senate againſt* Anthony *the Conſul for his miſdemeanors during his Conſulſhip.* On the contrary, *Trajan that Excellent Emperor*, (believing him to have been ſent from Heaven to redeem them from the ſlavery of former Tyrants, and to reſtore unto them their antient Liberties,) *when he gave the Sword* (the Enſign and Badge of Majeſty and Power) *unto* Sabinranus, *Præfect of the* Prætorian *Cohorts*, ſaying, *Accipe hunc Gladium, pro me ſi recte agam, ſin aliter, in me magis, quod moderatorem omnium vel errare minus fas eſt.* Uſe this Sword for my Defence, whilſt I govern as I ought, if otherwiſe, to my Deſtruction. *Comite Ceſtriæ Gladium Sancti* Edvardi, *(qui Curtein dicitur) ante regem bajulante, in ſignum quod comes eſt Palatii, & Regem, ſi oberret, habeat de jure Poteſtatem cohibendi, ſuo ſibi, ſcilicet Ceſtrenſi Conſtabulario miniſtrante, & virgâ Populum, cum ſe inordinate ingereret, ſubtrahente,* Matth. Paris. *lib.* 3. *p.* 563. *N.* 10.

At

At the Marriage of *Henry* III. *King of* England, *with* Elianor, *Daughter of* Raymund *Earl of* Provence, *the Earl of* Cheſter *carried the Sword of St.* Edward (*called* Curtein) *before him, in token that he was Maſter of the Palace, and that he had publick Authority to curb the King if he erred.* The ſame Enſign of publick Authority is continued to this very day before the Kings of *England*. King *Charles* II. at his Coronation being ſet in a rich Chair under a glorious Cloth of State, Sir *Gilbert Talbot* Knight, Maſter of the *Jewel-Houſe*, preſented the Sword of State, alſo the Sword called Curtana, and two other Swords, to the Lord High Conſtable, who took and delivered them to the Lord High Chamberlain, and laid them on the Table before the King. The like Powers had the Maſters of the Palace in *France* and other Countries. It is plain, that though that great and juſt Emperor *Trajan* had ſo great Power conferred on him, yet was ſo juſt *as to appoint a Judge*, (*though inferior* to him) over his Actions: How much more juſt therefore was he, when he, ſuperior in Power (having all the Armies and Conqueſts at his back,) and conſequently could not be forced to obey the Senate or People, yet would do it in *reſpect of his Office and Duty to his Delegaters*, and thereby acknowledge them to be his *ſuperior*: of whom *Pliny* in his Panegyrick ſaith, That *ſenatus ut ſuſceperet quartum Conſulatum & rogavit & juſſit.* Which are words of Command, and they that might Command, might Judge and Cenſure. So *Marcus Aurelius* the Emperor, when *Caſſius* the *Praefect* of *Syria* endeavoured to deprive him of his Kingdom, *offered himſelf to the judgment of the Senate and the People of* Rome, as it ſhould ſeem beſt unto them. Now, who could better judge of Kingly Power than ſuch juſt and upright Kings, and in their own Cauſe? Certainly, *by the Law of Nature*, all good Kings have the Senate or the People both for their Peers, and Superiors, in ſome Kingdoms, though Tyrants (hated both of God and Man) will neither have Superior, nor Peer.

As of old, Laws (the Law of Nature guiding) by force were deviſed, ſo when Laws come to be deſpiſed and ſlighted, by the ſame Law of Nature there muſt *recourſe be had unto force again*: ſo to think is juſt, and prudent: ſo to do, is true courage; ſo to think and do, is the height of a prudent vertue. This remains indelible in Nature, That *the Senate, or People are always Superior in ſome Countries to Kings good or bad*: the reaſon is natural, *for that the People do transfer their own Power*; or, (to ſpeak yet more properly) *the uſe and exerciſe of ſome of their own Power unto Kings*; *the Power it ſelf ſtill totally remaining in themſelves*; of which they cannot ſo totally deveſt themſelves, but the Spring and Fountain thereof will ſtill remain in them; which is demonſtrable, *for that in making Laws their conſent is ſtill required as abſolutely neceſſary.* The nearer we approach and imitate Natures Laws, the more demonſtrable is the Power of the People above the Power of Kings; their Power being only derived from the ſame People, as a Stream from the Fountain.

It is as evident that the People if free do not ſimply, but hypothetically transfer their Power unto Kings, *neither indeed can they by the Law of Nature*, but only conditionally, and for the like of Order, of common Juſtice, Peace, and Liberty; from which if *Kings ſhall deviate*, it is always to be underſtood, *that the People have transferred no ſuch Power*, and indeed *transferred nothing, becauſe they transferred it only for certain good ends and purpoſes*, Nature ſo guiding; which ends if fruſtrated or perverted, the very Pacts and Delegations themſelves are *ipſo facto* voidable; nay, void at the pleaſure of the Senate or People: and therefore the People muſt conſequently be *ſuperior to Kings*, who though *ſingulis Majores*, yet in true conſtruction of Law and Equity are *univerſis Minores.*

In *a popular State*, it is generally acknowledged that Magiſtrates placed by the People may be cenſured by the People: and in an *Ariſtocracy* by the *Optimacy*: and yet it's held monſtrous that Kings ſhould be called to account in ſome Countries; which, if true, concludes thus much certainly true, *That they are more than brutiſhly fooliſh ever to admit of any ſuch Government*, which moſt certainly renders them ſlaves at the will of Kings. How comes it to paſs that Kings only of all other Governors muſt Reign unqueſtionable, uncenſured, uncontrolable? Do Men born under ſuch a Regiment naturally become ſo deſperately ſottiſh and bruitiſh as to love ſlavery better than freedom? Why do they then preſcribe them Laws, and conditions of Governing, and Oaths for the more certain performance of them at their firſt admittance? That they might with the better grace jeer, and ſcorn, and enſlave them? Or, that they only of all the Sons and Daughters of Men, might have liberty to break Laws, and perjure themſelves *impuné*? Or be left only to the Judgment of the great day?

Where's the great difference and diſtance between Kings and popular Magiſtrates, Title only excepted? Which Title the very People gave them for the better Grace, Adornment and Majeſty of their own Government. The ſame Power and Authority is transferred unto Kings, and unto popular Magiſtrates by the People; both one and the other ſworn alike to obſervance of the Laws; and the obliged to obey not one nor the other any longer than *quamdiu id bene geſſerit?* Who makes the difference? If any, God hath already decided it *on behalf of the popular Magiſtracy* by his own example, who of his own infinite Wiſdom, Authority, and Goodneſs towards Mankind, inſtituted Judges as the beſt Form of Government; but appointed Kings in Wrath, and Anger, and Indignation, and at the fooliſh inſtance of a froward and rebellious People, and as a puniſhment on them who had rejected him and his Government, and rebelled againſt him; whereby it is manifeſt, that *Kingſhip was firſt ordained as a puniſhment*, not as the beſt Government.

To aſſert abſolute Dominion to be in Kings from the example of Fathers and of Maſters of Families, hath no ground in Nature, Scripture, Reaſon. *Ariſtotle* in the beginning of his Politicks condemns that Opinion, of there being but little difference in the ſimilitude between a Kingdom and a Family. *Regnum à familia non numero ſolum, ſed ſpecie differt.* For Fathers beget their Children. And the People beget or create their Kings, and not Kings the People. And Fathers provide for their Children, but the People provide for Kings, not only for their Neceſſaries but for Superfluities, for their Magnificence, and for their Grandeur: And according to *Diodorus* 11°. Kingdoms of old were wont to be given not neceſſarily to the Sons of Kings, but to them in whom did appear moſt apparent ſigns and tokens of Love and Kindneſs towards the People, and of common good. So *Juſtin, Principio rerum, gentium, nationumque imperium penes reges erat, quos ad faſtigium hujus majeſtatis, non ambitio Popularis, ſed ſpectata inter bonos moderatio provehebat:* Whereby it plainly appears, that Paternal and Hereditary Impery ſubſcribes and is ſubſervient to Virtue and to the Right of Nations. Which Original of Kingly Dominion, both *Reaſon* and *Cauſe*, are moſt eſpecially *natural*; for which very cauſe and reaſon Men did firſt aſſemble and agree on a Government, not that one ſhould inſult and domineer over all the reſt, but whoſoever did injure another, there ſhould be a Law and a Judg amongſt them for the defence and recompencing the injured.

Primus Rex Agis ab Ephoris eſt morte mulctatus, 192. Ob. *Rex non eſt, niſi unus ſit & unicus.* If ſo, then many that were Kings of *England*, were not. To let paſs many of the *Saxons*, who had many Peers in their Government either Sons or Brothers. It's manifeſt that *Hen.* II. of the *Norman* Race, *reigned with his Son. Conſentire vultis de habendo ipſum regem?* 193. *Quod opus non foret ſi regnum jure eſſet hæreditarium, apud Reges uſurpatio pro jure ſæpiſſime obtinet.* In the Creation of our Kings, the Archbiſhop asks the People four times, *Conſentire vultis de habendo ipſum regem?* After the *Roman* Cuſtom, *vultis, jubetis hunc regnare?* Of which there was no need, if the King had an abſolute *independent Right of Inheritance.* Therefore as *William* the Conqueror took an Oath of *Allegiance* from the People after the Battel of *Haſtings*; ſo the *People took his Oath that he would keep Faith with them*, &c. *After which when he broke his Faith with the People, they took Arms again; then he moſt ſolemnly ſwore again, That he would obſerve and keep the Ancient Laws of* England: if he tyrannized over them, it was not *jure belli*, but *jure perjurii.* And when he died, he declared, *Neminem Anglici regni conſtituo hæredem. lib. Cadomenſ. inde jus belli, & jus hæreditarium cum ipſo mortuo Gulielmo ſepultum eſt. Rex non poteſt facere injuriam, quod ſcelerate interpretantur, Non eſt injuria quod facit Rex, quia in eo non punitur.* If it be demanded by what Authority Kings may be indicted and cenſured? It's anſwered, by the ſame Authority, by the ſame Men, and the ſame Laws that delegated their Power to create them King; and that by the ſelf-ſame reaſon. Kings have no Power but what they have received from the People, and therefore they muſt have Power over Kings: and by the Law of St. *Edward, Kings not governing righteouſly loſe the very name of King, and it denies him to be a King.*

It is never to be forgotten, that in the beginning *all Power did flow from the People*, and ſtill doth; which *Tully* excellently demonſtrates, *De lege Agraria. Cum omnes poteſtates, Imperia, curationes ab univerſo Populo proficiſci convenit, tum eas profecto maxime, quæ conſtituuntur ad populi fructum aliquem, & commodum, in quo & univerſi delegant quem populo maxime conſulturum, & unuſquiſque ſtudio & ſuffragio ſuo viam ſibi ad beneficium impetrandum munire poſſit. Seeing all Powers, Commands, Curations* (i. e. poteſtas ſeu munus adminiſtrandi bona) *do proceed and flow from the People, then thoſe more eſpecially*

which

which are conſtituted and do reſpect the good and benefit of the People, in which the univerſality do chuſe them whom they judge will moſt eſpecially ſtudy and procure their good; and every one by their ſtudy and ſuffrage may have eaſie acceſs to obtain Juſtice, and Favours. And all Lawyers do agree and hold, *That all Laws repugnant to the Laws of God, of Nature, or of Reaſon, are not to be accounted as Laws.* And whereas the Power of judging was Originally in the People, and the *Engliſh* by no *Lex Regia*, have at any time transferred it out of themſelves, no King of *England* hath been wont, or hath Power, to judge any Man, unleſs by the known and approved Laws, *Fleta lib.* 1. *c.* 17. What Power Kings have are given to them by the People, that they may know by the Authority to them committed, that they may do nothing contrary to the Law, and keep our Laws, but not impoſe their own Laws on us; and the Kings Power is really and truly in the Courts of Law, wherein the *People by their Juries have their ſhare alſo.* And their chief Power is in their Senates, and Parliaments, who have a Right and Authority over all Courts and Powers; in all which Courts Kings may both ſue and be ſued, and the reciprocal Cauſes to be indifferently tried according to eſtabliſhed Laws. If at any time Kings act any thing contrary to Laws, they act then as private Men, or as Tyrants, and not by any Authority transferred on them by God or Man, ſo to do. Hence *Bract. l.* 1. *c.* 8. *Non eſt Rex ubi dominatur voluntas, & non Lex, &c.* l. 3. c. 9. *Rex eſt dum bene regit: tyrannus dum populum ſibi creditum violenta opprimit dominatione, &c.* ibid. *Exercere debet Rex poteſtatem Juris, ut vicarius & miniſter Dei; poteſtas autem injuriæ Diaboli eſt, non Dei. Cum declinat ad injuriam Rex, Diaboli miniſter eſt.* As nothing contrary to the Laws of God and Reaſon can be accounted a Law, ſo neither can a Tyrant be a King, nor a Miniſter of the Devil be a Miniſter of God; ſeeing therefore Law is but the product of right Reaſon, and Obedience is due to Kings as the Miniſters of God; ſo by the ſame Reaſon and Law, Tyrants and Miniſters of the Devil may be cenſured and reſiſted.

Either the People to be governed have a Right and Power to chuſe their own Governor, or they have not. If they have not, then Kings choſen by them are not Kings, but Uſurpers and Oppreſſors. If they have Power to chuſe, then they have Power to oblige him to what Conditions they pleaſe, and to keep them; and, if they fail of performing, then they are free of the Covenant, as it was between *Rahab* and the Spies

FINIS.

ERRATA.

PAge 6. line 18. dele *it*. ibid. l. 50. for *Iliad* r. *Myriad*. p. 9. l. 11. f. *doth only* r. *not only*. ib. l. 38. f. *the way* r. *the right way*. p. 11. l. 15. f. *our* r. *your*. ib. f. *Black-guard* r. *Peaſants*. p. 13. l. 3. dele *and*. p. 14. l. 28. f. *this*, r. *thoſe*. p. 17. l. 23. f. *Zalencus*, r. *Zaleucus*. p. 16. l. 43. r. *St. Edward*. p. 22. l. 20. r *elegerit & alibi*. ib. l. 58. r. *Martyrs*. p. 24. l. pen. f. *the*, r. *thy*. p. 25. l. pen. dele *to*. p. 28. l. 25. dele *in the Poſterity of*. ibid. l. 31. f. *did*, r. *ſhould*. p. 30. l. 22. f. *taking* r. *taken*. ibid. l. 58. dele *hundred*. p. 31. l. 17. f. *Timens*, r *Fabius*. ib. l. 32. r. *Fabius*. p. 33. l. 24. f. *or*, r. *and*. ib. l. 46. f. *never*, r. *ever*. p. 42. l. 12, r. *Commonwealth*. p. 43. l. 38. dele *Obj*. p. 44. l. 46. f. *neceſſet*, r *receſſet*. p. 46. l. 10. r. *elegerit*. p. 47. l. 16. r. *perfectiora*. p. 48. l. 35. r. *differemus cui quam*. p. 51. l. 43. dele *we*. p. 56. l. 41. f. *magis*, r. *majeſ*. ib. l. 46. r. *ſaies*. p. 57. l. 57. f, *him*, r. *them*. ib. l. 33. r. *proſcribed*. p. 60. l. 38. dele *the ſecond no*. p. 61. l. pen. f. *beareth*, r. *bear*. p. 62. l. 47. after *yet*, r. *God*. p. 63. l. 19. r. *prepoſſeſſed*. p. 69. l. 27. f. *ye*, r. *yea*. p. 75. l. 18. f. *his*. r. *their*. p. 76. l. 5. in the Contents, f. *returns*, r. *return*. ib. 5. in the Chapter, f. *was*, r. *were*. ibid. l. 33. f. *lawful*, r. *unlawful*. p. 78. l. 19. f. *Proplancio*, r. *pro Plancio*. p. 82. l. 7. r. *is ſeated*. p. 87. l. 23. f. *Florentio Dianyſio and Coſſ*. r. *Florentio & Dianyſio Coſſ*. ibid. l. 35. f. *Valerius*, r. *Valeria*.